

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 30TH MAY, 2006 AT 6:07P.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-

Crs R. Belleli, M. Daley (from 6.48pm) & A. White

East Ward-

Crs B. Notley-Smith & D. Sullivan (from 6.14pm)

West Ward-

Cr S. Nash

Central Ward-

Crs A. Andrews & C. Bastic

OFFICERS PRESENT:

General Manager

Mr. R. Brownlee.

Director, City Services

Mr. J. Frangoples.

Director, City Planning

Ms. S. Truuvert.

Director, Governance & Financial Services

Mr. G. Banting.

Manager, Administrative Services

Mr. D. Kelly.

Manager, Development Assessments

Mr. K. Kyriacou

Manager, Performance Improvement

Ms. K. Walshaw

Communications Manager

Ms. D. Brien.

1. COUNCIL PRAYER

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

2. APOLOGIES.

Apologies were received from Crs Hughes and Procopiadis.

RESOLVED: (Andrews/Notley-Smith) that the apologies from Crs Hughes and Procopiadis for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 30th May, 2006 be received & accepted.

2A. LEAVE OF ABSENCE.

Leave of absence had previously been granted to Cr Kenny. See minute No. 56 of 28th March, 2006.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 18TH APRIL, 2006.

- 108 **RESOLUTION:** *(Belleli/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday, 18th April, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Nash declared a non-pecuniary interest in Item 10.1, Director, City Planning Report 37/2006 - 80 Middle Street and 133 Botany Street, Randwick as he had previously declared a non-pecuniary interest in this matter.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

ITEM 7.2 GENERAL MANAGER'S REPORT 9/2006 - 13-17 BOTANY STREET, RANDWICK.

- The Objector Mr Kim Stapleton 6 Silver Street, Randwick.
The Applicant Mr Geoff Bonus Level 1, 597 Darling Street, Rozelle.

ITEM 10.1 DIRECTOR, CITY PLANNING REPORT 37/2006 - 80 MIDDLE STREET AND 133 BOTANY STREET, RANDWICK. (DEFERRED)

- The Objector Mr Rick O'Gorman Hughes Martin Place Chambers, Sydney.
The Applicant Mr Spiro Stavis 110-114 Kippax Street, Surry Hills.

ITEM 10.4 DIRECTOR, CITY PLANNING REPORT 40/2006 - 19 WOLSELEY ROAD, SOUTH COOGEE.

- The Objector Ms Katherine Fitzsimmons 44 Wolseley Road, South Coogee.
The Applicant Mr Fadi Yassmin 3/8 Vicar Street, Coogee.

ITEM 10.5 DIRECTOR, CITY PLANNING REPORT 41/2006 - 29-31 ALFREDA STREET, COOGEE.

- The Applicant Mr John Angius 2 Denning Street, Coogee.

ITEM 10.6 DIRECTOR, CITY PLANNING REPORT 42/2006 - 4 EDGECLIFFE AVENUE, SOUTH COOGEE.

- The Objector Mr David Sterling 1/2 Edgecliffe Avenue, South Coogee.
The Applicant Mr Brian Meyirson Level 1 151 Curlewis Street, Bondi Beach.

ITEM 12.5 MOTION BY COUNCILLOR MATSON – CLEARING OF ENDANGERED EASTERN SUBURBS BANKSIA SCRUB ON PRINCE HENRY SITE.

For Mr Michael Lee 26 Dawes Street, Little Bay.

The meeting was adjourned at 6.54p.m. and was resumed at 7.18p.m.

RESOLVED: (PROCEDURAL MOTION: (Notley-Smith/Sullivan) that item 7.2, all Director, City Planning Reports and Item 12.5 be brought forward and dealt with at this stage of the meeting.

Note: Item 7.2, all Director, City Planning Reports and item 12.5 were then brought forward and dealt with at this stage of the meeting.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 31/2006 - 2006 "TREES FOR MUM PROGRAM" - WAIVING OF FEES. (F2004/06574)

109 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng)* that Council note \$5,000.00 has been approved to cover the fees associated with the "Trees for Mum" planting day at Nagle Park, Maroubra and funds charged to the Contingency Fund 2005/2006.

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

6.2 MAYOR'S MINUTE 32/2006 - INVITATION FROM SISTER CITY COUNCIL. (F2004/07350 xr F2005/00294)

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

- (a) *Council accepts the invitation from Temora Sire Council to attend the centenary celebrations in Temora on the weekend of 5 and 6 August, 2006; and*
- (b) *interested Councillors and senior staff advise the Manager, Administrative Services of their attendance as soon as possible and no later than 30 June, 2006.*

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

6.3 MAYOR'S MINUTE 33/2006 - YARRA BAY HOUSE, LA PEROUSE - REQUEST FOR ASSISTANCE WITH THE REMOVAL OF A NUMBER OF MATURE CASSUARINA GLAUCA TREES. (F2004/07359)

111 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng)* that Council's assistance with the removal of a number of mature Casuarina Glauca (She Oaks) trees growing within Yarra Bay House, La Perouse, be approved and the cost of the work (approximately \$8,000.00) be funded from the 2005/2006 Contingency Fund.

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

6.4 MAYOR'S MINUTE 34/2006 - REQUEST FOR WAIVING OF FEES FOR THE INSTALLATION OF A BANNER FOR ST CATHERINE'S SCHOOL. (F2004/07164)

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

- a) *the fees associated with the installation and dismantling of a banner on the flagpole at Arden Street near to Malabar Road be waived and \$691.00 be allocated from the Contingency Fund 2005/06;*
- b) *the Spring Fair organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the Spring Fair; and*
- c) *the Mayor or his representative be given the opportunity to address the Spring Fair on behalf of Council.*

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

6.5 MAYOR'S MINUTE 35/2006 - USE OF SOUTH MAROUBRA BEACH FOR INFLATABLE RESCUE BOAT SURF LIFE SAVING CARNIVAL - REQUEST FOR WAIVING OF FEES. (F2004/08302)

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

- a) *Council vote \$484.00 to cover the fees associated with the Inflatable Rescue Boat Surf Life Saving Carnival to be held at South Maroubra Beach on Saturday, 10 June, 2006, from 7am to 5pm and funds be allocated from the Contingency Fund 2005/2006;*
- b) *the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the beach activity; and*
- c) *the Mayor's representative shall be given the opportunity to address the activity on behalf of Council.*

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

6.6 MAYOR'S MINUTE 36/2006 - SEGRA NATIONAL CONFERENCE 2006 (F2005/00646)

114 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng) that interested Councillors be invited to attend the tenth annual "Sustainable Economic Growth for Regional Australia" (SEGRA) conference being held in Launceston from 28 – 30 August, 2006.*

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

6.7 MAYOR'S MINUTE 38/2006 – FEES & CHARGES - PROMOTIONAL EVENTS. (F2005/00912)

115 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng) that a report be brought back to the appropriate Council meeting outlining the introduction of an impact based fee structure and*

assessment matrix for promotional events. The report to also include the fact that applicants often make a donation to a very worthy community organisation when they hold these events.

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

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 8/2006 - MARCH 2006 QTR REVIEW - 2005/08 MANAGEMENT PLAN. (F2005/00380)

116 **RESOLUTION: (Tracey/Notley-Smith)** that the information contained in the report of the March 2006 Quarterly Review – 2005/08 Management Plan is received and noted.

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

7.2 GENERAL MANAGER'S REPORT 9/2006 - 13-17 BOTANY STREET, RANDWICK. (DA/796/2005)

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

- A. Council as the consent authority pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979 grant “Deferred Commencement Consent” to Development Application No D/796/2005 for demolition of existing structures on site and construction of a part 3 / part 4 storey mixed use development comprising 35 dwellings, basement car parking, relocation of two Brush Box trees on site, strata subdivision and a new veterinary clinic at 13-17 Botany Street subject to the following conditions:

Deferred Commencement Conditions

The consent is not to operate until the following materials / amendments have been submitted to and approved by the Director, City Planning.

- 1 Amended plans showing the internal carpark layout being modified to comply with the provisions of AS/NZS 2890.1:2004 shall be submitted to Council prior to this consent becoming operational. It is noted that this may necessitate the basement being extended to the west to allow for adequate manoeuvring room adjacent to spaces 30 and 35.*
- 2 Prior to the consent becoming operational, the applicant shall submit to Council, documentation prepared by a suitably qualified traffic engineer detailing how satisfactory security can be provided to all car spaces within the basement carpark. In particular, the security of the residential spaces should be considered given that commercial and residential visitors drive through the residential carpark to access the commercial and visitor parking spaces.*
- 3 Prior to the consent becoming operational, the applicant shall submit documentation to Council demonstrating how full waste bins will be safely transported from the basement level to the kerbside for collection.*
- 4 The colours, materials and finishes of the external surfaces to the building shall be as detailed in the Statement of Environmental Effects and as detailed on the approved plans and the two submitted photo-montages 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, City Planning.

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

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

- 1. The development must be implemented substantially in accordance with the plans numbered DA01, DA02, DA03, DA04, DA05, DA06, DA07, DA7.1, DA7.2, DA08 Issue C, prepared by Bonus + Associates and all received by Council on 27 February 2006, and landscape plan numbered LA01 Revision C, prepared by Taylor Brammer, dated 14/12/2005 and received by Council on 27 February 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and the details/amendments approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:*
- 2. Prior to the issue of a Construction Certificate a Nat HERS assessment is to be submitted demonstrating that 75% of dwellings in a development achieve 3.5 star rating by Nat HERS or equivalent and no dwelling achieves less than 3 stars.*

The following conditions are applied to ensure that a record of the heritage significance of aspects and structures on the site are recorded and preserved for the benefit of the public.

- 3. An Interpretation Strategy is to be prepared in accordance with the NSW Heritage Office Policy and Guidelines for Interpreting Heritage Places. The Interpretation should address, but not be limited to:*
 - o the Stewart Family,*
 - o the Veterinary Hospital and its constituent elements,*
 - o the association with the racecourse,*
 - o Veterinary practices of the period*
 - o Market gardens*
 - o the reuse or display of relevant fabric and relics, such as the forge, which may be salvaged from the site and are appropriate for interpretation*

The interpretation is to be located in a publicly visible place on the site and the Strategy is to include a maintenance and ownership plan to be adopted by the body corporate for the proposed building. This Interpretation Strategy shall be prepared by a suitably qualified and experienced Heritage Consultant, and shall be 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.

- 4. An oral history is to be prepared in accordance with the Oral History Association Handbook (4th Edition), by Beth Robertson, by a member of the Oral Historian Association of Australia. This Oral History shall be 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. The Oral History is to be placed in the Local History Collection of Randwick City Library.

- 5 *In the event any relic is uncovered during excavation, an Excavation Permit is to be obtained in accordance with Section 139 of the NSW Heritage Act.*
- 6 *The historical information collated in the Heritage Impact Statement prepared by GSA Planning, the Oral History and the Interpretation Strategy is to be placed in the Local History Collection of Randwick City Library.*
- 7 *An archival recording of the property shall be prepared and 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. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Particular consideration should be given to the recording of structures and features, with relevant details, identified as having moderate significance in the GSA Planning HIS. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*

Section 94 Contributions.

- 8 *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space* \$47,810.06
 - b) *for the provision or improvement of community facilities* \$21,139.64
 - c) *Administration fee* \$ 425.00

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

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.

- 9 *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.*
- 10 *External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*
- 11 *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
- 12 *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

13 *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.*

14 *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

15 *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.*

16 *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.*

17 *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.*

18 *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.*

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

19 *Prior to issuing a construction certificate for the development, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site.*

The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be sufficiently detailed and be submitted to and accepted by Council's Manager of Environmental Health & Building Services prior to issuing a

construction certificate for the development.

- a) *Should the Detailed Site Investigation Report demonstrate that the land and groundwater is not contaminated, the conclusion to the report must clearly state that 'the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.*

The written concurrence of Council must be obtained before a construction certificate is issued for the development.

- b) *Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:-*
- i. *A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.*
- ii. *The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment and Conservation (DEC), including the Guidelines for Consultants Reporting on Contaminated Sites.*

This RAP is to include procedures for the following:

- a. *Excavation of Hydrocarbon-contaminated soil,*
- b. *Validation sampling and analysis,*
- c. *Prevention of cross contamination and migration or release of contaminants,*
- d. *Site management planning,*
- e. *Ground water remediation, dewatering, drainage, monitoring and validation,*
- f. *Unexpected finds.*
- iii. *Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.*
- iv. *The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 & 50 of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.*

Any additional conditions that are specified in the Site Audit Statement and Summary Site Audit Report by the EPA accredited site auditor, form part of this consent and Council must be consulted with prior to the development and imposition of any conditions.

The Site Audit Statement must be submitted to Council, prior to the issuing of a construction certificate for the development.

- v. *Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- vi. *The site remediation including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- vii. *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'.*
- viii. *A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:*
 - general site management, site security, barriers, traffic management and signage*
 - hazard identification and control*
 - worker health & safety, work zones and decontamination procedures*
 - cross contamination*
 - site drainage and dewatering*
 - air and water quality monitoring*
 - disposable of hazardous wastes*
 - contingency plans and incident reporting, and*
 - details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.*
- ix. *Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.*

- x. *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).*

20 *Site remediation must be carried out in accordance with the following general requirements (as applicable):*

- a) *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
- b) *On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Environmental Health & Building Services.*
- c) *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*
- d) *Prior to the commencement and throughout the duration of the remediation and construction 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.*
- e) *Remediation work shall be conducted within the following hours:*
 - Monday – Friday 7am – 5pm*
 - Saturday 8am – 5pm*
 - No work permitted on Sundays or Public Holidays*
- f) *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.*
- g) *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

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

- a. *New South Wales Occupational Health and Safety Act, 2000;*
- b. *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*

- c. *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- d. *Protection Of the Environment Operations Act 1997 (NSW) and*
- e. *Environment Protection Authority's 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:

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

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

- 23 *No animals are to be kept within the veterinary clinic located on the ground floor during the night time period (10:00pm to 7:00am). Animals are to be placed in the kennels provided in the basement level.*

- 24 *The attenuation measures recommended in the acoustic report prepared by Renzo Tonin & Associates Pty Ltd titled 13-17 Botany Road Randwick Acoustic Assessment for Development Application TB921-01F02 (rev 3) DA report.doc dated 30 May 2005 form part of this approval.*

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

- 26 *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within three months of an **occupation certificate** being issued for the development, which demonstrates and certifies that noise 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.*

- 27 *The hours of operation of the Veterinary Clinic are limited to:*

Monday to Fridays 7:30am to 8.00pm

Saturdays 9.00am to 5.00pm

Sundays 10.am to 4.00pm

Any visits outside the above hours of operation are to be for emergency cases and by appointment only.

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:

- 28 *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.*
- 29 *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.*
- 30 *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.*

Security Deposit Conditions

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

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

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

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

*A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
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:

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

- a. *Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Waratah Avenue.*
 - b. *Remove all redundant vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c. *Construct new concrete kerb and gutter along the Waratah Avenue site frontage, except opposite the vehicular entrance, including associated road works.*
 - d. *Reconstruct any damaged sections of kerb and gutter along the Botany Street site frontage, including associated road works.*
 - e. *Construct new concrete footpath along both site frontages. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
- 33 *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.*
- 34 *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.*
- 35 *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.*
- 36 *The driveway opening at the Waratah Avenue site frontage must be 5.50 metres wide and located at least 1.5 metres clear of the side property.*
- 37 *The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site.*
- 38 *The proposed visitor space 5 and the turning/loading bay in the basement level shall be combined to provide one 5.20 metre wide loading/turning bay. In addition the proposed storage areas at the rear of these spaces shall be deleted to facilitate a larger loading/turning area. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

- 39 *The loading/turning bay shall be line marked and signposted so as to restrict loading/turning vehicles to a maximum length of stay of five minutes. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 40 *The carpark layout and all car spaces within the basement carpark shall be in accordance with the provisions of AS/NZS 2890.1:2004. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 41 *Suitable signage shall be installed throughout the basement carpark to clearly define the parking allocations and direct users to the commercial, residential and/or visitor parking spaces as appropriate. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
- 42 *To improve visibility at the intersection of Botany Street and Waratah Avenue, a minimum 3.0 metre x 3.0 metre splay corner shall be provided at ground level. There shall be no walls or planting higher than 600mm located within the splay corner.*

Note: The submitted plan DA03 Issue C demonstrates compliance with this requirement.

- 43 *A Works Zone is to be provided in Waratah Avenue 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.

- 44 *Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.*
- 45 *All recommendations contained in the traffic engineers report prepared to satisfy the deferred commencement condition regarding security of car spaces within the basement carpark shall be implemented.*

Alignment Level Conditions

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

- 46 *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, shall be:*

Waratah Avenue: Match the back of the existing concrete footpath along the full site frontage.

Botany Street: 20mm above the back of the existing concrete footpath at all points opposite the footpath, along the full site frontage.

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

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

- 47 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.*
- 48 The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$5572 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
- 49 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.*

Service Authority Conditions

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

- 50 The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*
- 51 All power supply and telecommunications cabling to the development shall be underground.*
- 52 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.*
- 53 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.*
- 54 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.

55 *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 to determine whether or not an electricity substation is required for the development.*

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

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

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

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

Drainage Conditions

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

57 *Stormwater drainage plans have not been approved as part of this development consent. 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.*
 - 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.*
- 58 *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.*
- 59 *All site stormwater must be discharged (by gravity) to the underground drainage system in Waratah Avenue, via a new and/or existing kerb inlet pit.*

Notes:

- a. *All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.*
 - b. *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.*
 - c. *Details for all stormwater drainage works in Council Property shall be submitted to and approved by Council's Asset's Drainage Engineer prior to the stormwater works being undertaken.*
- 60 *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.

For small areas up to 0.5 hectares, determination of the required cumulative storage

must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

- 61 *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
- 62 *The maximum depth of ponding in above ground detention areas shall be as follows:*
- a. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
 - b. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
 - c. 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

Notes:

It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.

Mulch/bark must not be used in onsite detention areas

- 63 *Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.*
- 64 *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*
- (In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).*
- 65 *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 66 *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
- 67 *A reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from the Council drainage system does not surcharge back into the site stormwater system.*
- 68 *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.

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

- 70 *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.*
- 71 *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:*
- a. *The location of the detention basin with finished surface levels;*
 - b. *Finished site contours at 0.2 metre intervals;*
 - c. *Volume of storage available in the detention areas;*
 - d. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - e. *The orifice size(s) (if applicable); and*
 - f. *Details of any pumping systems installed (including wet well volumes).*
- 72 *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.*
- 73 *As the above site may encounter groundwater 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.*

Notes:-

- a) *Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
- 74 *A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:*
- *The proposed method of shoring/piling and dewatering.*
 - *The zone of influence of any possible settlement.*
 - *The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the*

subject premises, the written consent of the owner must also be provided to Council).

- *Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.*
- *The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- *Details of any consultation and arrangements made with owners of any potentially affected nearby premises (ie in relation to access, monitoring and rectification of possible damage to other premises).*
- *Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.*
- *The location of all pumping equipment in relation to the property boundaries.*
- *The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.*
- *Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with ‘best practice’ principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.*

The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

Waste Management Conditions

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

- 75 *The proposed garbage compactor and chute feed system shall be deleted from the plans submitted for the construction certificate.*
- 76 *The residential waste storage area shall be sized to contain a total of 36 x 240 litre bins (18 garbage bins & 18 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
- 77 *The commercial office waste storage area shall be sized to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycle bins) whilst providing satisfactory access to these bins.*

- 78 *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
- 79 *The waste storage areas shall be clearly signposted.*

Strata Subdivision Conditions

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

- 80 *A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

Notes:

- b. *The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council.*
- c. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention areas.*
- 81 *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
- 82 *Prior the issue of a Strata Certificate under Section 37 of the Strata Titles Act, the applicant is to submit an application for Section 37 Certificate together with a survey plan, prepared by a registered surveyor, and at least four copies for certification by the General Manager or delegate.*

The Strata Plans should demonstrate that any stacked residential parking is allocated to one unit, visitor car spaces are to be shown as common property.

- 83 *All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
- 84 *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

Landscape Conditions

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

- 85 *Landscaping at the site shall be installed substantially in accordance with the landscape plan prepared by JH of Taylor Brammer Landscape Architects, drawing number LA01, job number 04-200S, revision A, dated 12.12.2005, subject to the*

following additional requirements being shown an amended plan, to satisfaction of the certifying authority, prior to the issue of a construction certificate. The documentation is to include:

- a. The two Lophostemon confertus (Brush Box) along the eastern boundary, being transplanted to an appropriate location towards the northeast corner of the site, with the exact location and details to be determined by Arborist and Landscape Architect.*
- b. All trees within the site and on Council's Waratah Avenue and Botany Street road reserve are to be numbered to correspond with the Arborists Report, prepared by Danny Draper, of Urban Tree Management, reference number 7194, dated 27th January 2005, and are to be clearly marked for retention or removal in accordance with the conditions contained in this consent.*
- c. A planting plan which specifies the location of all proposed planting, with plants to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved.*
- d. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- e. All tree species proposed shall be a minimum pot size of 100 litres at the time of planting, with a minimum number of 18 to be suitably located along all four boundaries of the site. The species selected shall consist of those native evergreens which will achieve a minimum height at maturity of between 6-20 metres.*
- 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. Sectional elevations through the site showing the existing and proposed ground lines, building elevations, and mature height of proposed planting.*

Note: All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.

- 86 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.*
- 87 Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the*

approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

- 88 *To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas, with details of the system to be shown on the detailed landscape plans and specifications, and in accordance with all current Sydney Water requirements.*
- 89 *The nature strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
- 90 *The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
- 91 *Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown on all detailed landscape drawings and specifications.*
- 92 *All detention tanks and below ground 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.

- 93 *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) 12 months after the issue of a final occupation certificate, confirming that landscaping works have been maintained in accordance with the approved landscaping plans and conditions of consent, to the satisfaction of the PCA.*

Tree Management

- 94 *Removal of the Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) (in the vicinity of the new vehicular access at the eastern end of the site) is subject to approval from Council's Works Committee. Should approval be granted for its removal, the applicant shall submit a total payment of \$1,155.00 to Council,*
- a. Being the cost for Council to remove the existing street tree specimen of Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) from the Waratah Street nature strip, near the eastern boundary in order to accommodate the vehicle access as proposed (\$1050.00 + GST).*

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.

NOTE 1: A replacement street tree is not feasible given the lack of available space and line of sight issues, with the standard loss of amenity charge not to be applied in this instance in accordance with Council's Aggressive Rooted Street Tree Policy.

Should Council's Works Committee determine that the street tree shall not be removed, the tree shall be retained in general accordance with the submitted plans. Under these circumstances, a report (prepared by a suitably qualified Arborist) detailing how it is proposed to design the driveway/footpath around the tree to prevent footpath lifting and avoid trip hazards shall be submitted to and approved by Council prior to the issue of a construction certificate.

- 95 *Approval is granted for the removal of the following trees, subject to the implementation of landscaping in accordance with the conditions listed in this consent.*
- a. One Lophostemon confertus (Brush Box, tree 27 in the Arborists Report) in the northwest corner of the site.*
 - b. Two (2) Cinnamomum camphora (Camphor Laurels, Tree's 26 and 16 in the Arborists Report respectively) immediately to the south of the tree described above.*
 - c. One Lophostemon confertus (Brush Box, Tree 17 in the Arborists Report) immediately to the south, towards the southwest corner of the site.*
 - d. One Cinnamomum camphora (Camphor Laurel, Tree 14 in the Arborists Report) near the southeast corner of the existing dwelling at 17 Botany Street.*
 - e. One Bauhinia variegata (Orchid Tree, Tree 13 in the Arborists Report) immediately to the east of the tree described above as it is too small to be covered by Council's Tree Preservation Order.*
 - f. One Cinnamomum camphora (Camphor Laurel, Tree 8 in the Arborists Report) about halfway along the southern boundary.*
 - g. The Syagrus romanzoffianum (Cocos Palm, Tree 11 in the Arborists Report) towards the centre of the site as this species is no longer covered by Council's revised Tree Preservation Order.*
 - h. One Salix matsudana 'Tortuosa' (Twisted Willow, Tree 15 in the Arborists Report) towards the northwest corner of the site, close to the northern boundary.*
 - i. One Cinnamomum camphora (Camphor Laurel, Tree 12 in the Arborists Report) immediately to the east of the tree described above.*
 - j. One Brachychiton acerifolius (Flame Tree, Tree 9 in the Arborists Report) immediately to the east of the tree described above.*
 - k. One prominent Jacaranda mimosifolia (Jacaranda, tree 10 in the Arborists Report) in the centre of the site.*
 - l. One Schinus areira (Peppercorn Tree, tree 7 in the Arborists Report) northeast of the tree described above.*
 - m. One Callistemon viminalis (Bottlebrush, tree 6 in the Arborists Report) adjacent the tree described above.*
 - n. Two (2) Cinnamomum camphora (Camphor Laurels, Trees 5 & 4 in the Arborists Report) immediately north, along the northern boundary.*
 - o. One Schinus areira (Peppercorn Tree, Tree 3 in the Arborists Report) in the same immediate area.*
 - p. One Populus nigra 'Italica' (Lombardy Poplar, Tree 25 in the Arborists Report) in the northeast corner of the site.*

Tree Transplanting Conditions

- 96 *The applicant shall cover all costs associated with transplanting the two Lophostemon confertus (Brush Box's, Trees 1 & 2 in the Arborists Report) from near the eastern boundary to a suitable location, final location to be determined between the Arborist, Landscape Architect and Applicant, in the northeast corner of the site.*
- 97 *The applicant will be required to engage a suitably qualified and professional Arborist, who is a registered member of a nationally recognized organization, for the duration of the works to supervise all demolition, excavation and machinery operation in close proximity to these trees, with all site personnel to comply with any recommendations provided by the Arborist. Minimum qualification for the site Arborist shall be certificate 5 or Diploma in Arboriculture, with all relevant details, qualifications and examples of previous transplanting work to be submitted to the satisfaction of the certifying authority, prior to the issue of a construction certificate.*
- 98 *Prior to the issue of a construction certificate, the site Arborist will be required to submit to the certifying authority (and a copy forwarded to Council if Council is not the certifying authority) a highly detailed and site specific written statement of the processes involved in protecting and transplanting both trees. The report shall include, but not be limited to protection measures during demolition, site preparation, transplanting method, irrigation schedule, timing of works, machinery access, clearance requirements and aftercare (including requirements for protective fencing).*
- 99 *Following the issue of the final occupation certificate, a maintenance period of 24 months shall apply to both trees, during which time the Arborist will be required to regularly monitor and record the health, condition and stability of both trees, and advise of any works required to assist with their survival. Any recommendations from the Arborist shall be implemented.*
- 100 *A brief written report shall be submitted to Council at 6 monthly intervals during the 24 month maintenance period detailing the findings and observations of these routine inspections, and any works that have been undertaken or recommendations to assist their survival.*
- 101 *Should either tree fail at any time during this 24 month maintenance period, super-advanced, minimum pot size at the time of planting 200 litres, replacement trees shall be provided. The species selected will be those natives which will attain similar dimensions to the Brush Box trees upon maturity. Details of the replacement species proposed shall be submitted to and approved by Council prior to installation.*

Tree Protection Measures

- 102 *In order to ensure the retention of the row of five Ficus microcarpa var. 'Hillii' (Hills Weeping Figs), located on Council's Waratah Avenue nature strip in good health (with the exception of the most eastern street tree), the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimens with the position of their trunks and full diameter of their canopies*

clearly shown on all drawings.

- b. The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which is to be located to the edge of the pedestrian footpath to the north of their trunks, along the edge of kerb to the south of their trunks, and a minimum distance of 3 metres off the east and west sides of each trunk to completely enclose each tree.*

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.*
- d. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- e. No pruning of these five street trees shall be undertaken at any time without the express permission of Council's Landscape Development Officer.*
- f. Should pruning be needed in order to avoid damage/conflict with site machinery during the course of the proposed works, the applicant shall contact Council's Landscape Development Officer on 9399-0613, giving at least 48 hours notice*
- g. Should these trees become damaged at any stage during the course of the works, necessitating repair, removal or replacement, the applicant will be required to cover all associated costs for Council or Council's approved contractors to perform the necessary work.*

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

- 103 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.

- 104 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.

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

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

- 106 *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.*
- 107 *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:

- 108 *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.*
- 109 *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.*
- 110 *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.*
- 111 *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.

- 112 *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.*
- 113 *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.*
- 114 *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.*
- 115 *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.*
- 116 *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.*

117 *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.*

118 *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.

119 *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.*

120 *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.*

121 *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.

- 122 *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.*

- 123 *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.

- 124 *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.

A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.

125 *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.*

126 *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. 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.

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.

127 *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:

128 Access, facilities and car parking 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, AS4299 and 2890.1 and relevant Council development control plans for the subject development, 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.

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

129 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.

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

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

130 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.

131 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.

- 132 *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.

- 133 *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".*

- 134 *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.

- 135 *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.

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.

- 136 *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.

- 137 *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.

ADVISORY MATTERS:

- A1 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- | | | | |
|----|--------------------|---|---|
| a) | <i>Part B1</i> | - | <i>Structural provisions</i> |
| b) | <i>Part C1</i> | - | <i>Fire resistance and stability</i> |
| c) | <i>Part C2</i> | - | <i>Compartmentation and separation</i> |
| d) | <i>Part D1</i> | - | <i>Provisions for escape</i> |
| e) | <i>Part D3</i> | - | <i>Access for people with disabilities</i> |
| f) | <i>Clause D3.5</i> | - | <i>Car parking for people with disabilities</i> |
| g) | <i>Part E1</i> | - | <i>Fire fighting equipment</i> |
| h) | <i>Part E2</i> | - | <i>Smoke Hazard Management</i> |
| i) | <i>Part E3</i> | - | <i>Lift Installations</i> |
| j) | <i>Part E4</i> | - | <i>Emergency lighting, exit signs & warning systems</i> |
| k) | <i>Part F4</i> | - | <i>Light and ventilation</i> |
| l) | <i>Part F5</i> | - | <i>Sound Transmission and Insulation</i> |

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

You are 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.

A3 *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.

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

7.3 GENERAL MANAGER'S REPORT 10/2006 - WITHDRAWAL OF CAVEAT. (F2004/06862)

118 **RESOLUTION:** (*Andrews/Notley-Smith*) that authority is granted for the Council's Common Seal to be affixed to the 'Withdrawal of Caveat' form relating to the property at 392 Beauchamp Road, Maroubra.

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

7.4 GENERAL MANAGER'S REPORT 11/2006 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

119 **RESOLUTION:** (*Andrews/Notley-Smith*) that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:

1. *Oleksandr Diamandi (T/As Vino Vino) in relation to a licence for the purpose of outdoor dining at 30 St Pauls Street, Randwick.*
2. *South Eastern Sydney & Illawarra Area Health Services in relation to a deed of licence over part of Lot 11 DP 1042814 more particularly known as 21 Munda Street, Randwick.*
3. *Ann Jackson (T/As Kenso Café) in relation to a licence for the purpose of outdoor dining at 174 Anzac Parade Kensington.*
4. *A residential lease for 129 Boyce Road, Maroubra.*
5. *Vasaport Jeensad (T/As EnThaiCing) in relation to a licence for the purpose of outdoor dining at 186-188 Marine Parade, Maroubra.*
6. *Eastern Suburbs Swimming Association Inc. Club in relation to two licences for part of Lots 1211, 7026-7027 DP 752015 more particularly known as the Des Renford Aquatic Centre Club room.*
7. *Vaat Schoonvimoort (T/As Flavours of Thai) in relation to a licence for the purpose of outdoor dining at 39 Perouse Road, Randwick*
8. *Scott Luland (Siam Spice) in relation to a licence for the purpose of outdoor dining at 215 Coogee Bay Road, Coogee.*
9. *David Robert Donald (T/As Cushion) in relation to a licence for the purpose of outdoor dining at 238-246 Arden Street, Coogee.*
10. *Nicholas Vicari (T/As Boncaffè) in relation to a licence for the purpose of outdoor dining at 46 Frenchmans Road, Randwick.*

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

7.5 GENERAL MANAGER'S REPORT 12/2006 - USE OF COUNCIL'S SEAL. (F2004/06555)

120 **RESOLUTION:** (*Andrews/Notley-Smith*) that Council continue the practise of using the Council Seal on both the Sporting Award Certificates and the Australia Day Community Service & Youth Awards.

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

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 30/2006 - DUNNINGHAM RESERVE TOILET FACILITIES. (F2004/08256)

121 **RESOLUTION:** (*Tracey/Andrews*) that the designs for the new amenities building at Dunningham Reserve and refurbishment of the existing toilet facilities at Grant Reserve

proceed to tender documentation phase and that tenders be called for the construction of the works.

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

8.2 DIRECTOR, CITY SERVICES' REPORT 31/2006 - APPLICATION TO HAVE SIGNS INSTALLED AT VARIOUS GROUNDS TO PREVENT CONSUMPTION OF ALCOHOL FROM SUNSET TO SUNRISE. (F2005/00873)

122 **RESOLUTION: (Belleli/Notley-Smith)** *that signage be installed in Pioneer Park, Malabar, Kensington Oval, Snape Oval, Coral Sea Park and Heffron Park grounds advising that alcohol is not to be consumed from sunset to sunrise.*

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

8.3 DIRECTOR, CITY SERVICES' REPORT 32/2006 - ECOLOGICAL IMPACT OF THE COMMON INDIAN MYNA. (F2004/06488 XR F2005/00171)

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

- a) *the Director's Report dated 12 April, 2006 be received and noted; and*
- b) *Council participates in any regional initiatives to control Indian Mynas.*

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

8.4 DIRECTOR, CITY SERVICES' REPORT 33/2006 - PRINCE HENRY LITTLE BAY - NEW ROAD NAMES. (F2004/07140)

124 **RESOLUTION: (Andrews/Notley-Smith)** *that submissions and suggestions be sought from residents and other interested people, by placing an advertisement in the local paper of the proposal to name the new roads at Prince Henry Little Bay and all the guidelines of the Geographical Names Board be met prior to a further report being prepared for Council's consideration..*

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

8.5 DIRECTOR, CITY SERVICES' REPORT 34/2006 - IDENTIFYING SUITABLE PARKLAND, RESERVE OR PUBLIC INFRASTRUCTURE TO BE NAMED AFTER FORMER ALDERMAN JACK DILLON. (F2005/00266)

125 **RESOLUTION: (Andrews/Notley-Smith)** *that the viewing area adjacent the coastal walk (near the intersections of Alexandria Parade and Wisdom Street) be named Jack Dillon Rest Point and a suitable plaque be installed to recognise Alderman Jack Dillon's service to the community.*

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

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 28/2006 - 2005/2006 BUDGET - REVIEW AS AT 31 MARCH 2006. (F2004/06516)

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

- (a) the report in relation to the March 2006 budget review be received and noted; and*
- (b) the proposed March 2006 budget variations shown in Attachment 3 to this report be adopted.*

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

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 29/2006 - IMPROVING TRANSPARENCY OF COUNCIL'S TENDER PROCESS. (F2005/00699)

127 **RESOLUTION:** *(Nash/Notley-Smith) that this matter be deferred to the next ordinary Council meeting to allow councillors to examine the “Tendering Guidelines for NSW Local Government” which were recently forwarded to Council by the Department of Local Government.*

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

MOTION: (/) CARRIED – SEE RESOLUTION.

9.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 30/2006 - GOODS AND SERVICES TAX (GST) COUNCIL COMPLIANCE REQUIREMENTS. (F2004/06546)

128 **RESOLUTION:** *(Woodsmith/Nash) that the Goods and Services Tax Certificate for the period 1 July 2005 to 30 April 2006 be approved and signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.*

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

9.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 31/2006 - AUTHORITY TO ENTER INTO LICENCE AND AFFIXING OF THE SEAL. (F2004/07367)

129 **RESOLUTION:** *(Andrews/Notley-Smith) that authority is granted to enter into lease and licence agreements with The Junction Neighbourhood Centre Inc. (for Suite 2, Ground Floor, 669 Anzac Parade, Maroubra) and South Eastern Sydney & Illawarra Area Health Service (for Upper 1B Prince Edward Street, Malabar) and Council's Common Seal to be affixed to the agreements.*

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

9.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 32/2006 - ATTENDANCE AT COUNCIL & COMMITTEE MEETINGS. (F2004/06567)

130 **RESOLUTION:** *(Nash/Notley-Smith) that:*

- (a) the proposed amendments to Council's Code of Meeting Practice, with respect to apologies, be deferred for further clarification and consideration of this issue; and*
- (b) Councillors Woodsmith, Andrews and Tracey replace Councillors Kenny, Bastic and Daley respectively on Council's Administration and Finance Committee.*

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

9.6 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 33/2006 - COUNCILLORS' EXPENSES & FACILITIES POLICY. (F2005/00176)

131 **RESOLUTION:** *(Notley-Smith/Nash) that:*

- a) it be noted that there were no submission received as a result of the public exhibition of the revised Councillors' Expenses & Facilities Policy;*
- b) the General Manager be delegated authority to remove any obsolete items from the revised Councillors' Expenses & Facilities Policy; and*
- b) the revised Councillors' Expenses & Facilities Policy be adopted for immediate implementation.*

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

9.7 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 34/2006 - 15% LEVY ON CROWN RESERVE LEASES. (F2006/00221)

132 **RESOLUTION:** *(Matson/Woodsmith) that:*

- (a) the report be received and noted; and*
- (b) the Director, Governance & Financial Services write to the State Government and local Members of Parliament noting Council's objection to another defacto tax being placed on ratepayers.*

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

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 37/2006 - 80 MIDDLE STREET AND 133 BOTANY STREET, RANDWICK. (DA/568/2005)

Note: Cr Nash previously declared a non-pecuniary interest in this matter and did not take part in the discussion of and voting thereon.

133 **RESOLUTION:** *(Bastic/Daley) that:*

- A. Council's original determination of Development Application No. 568/2005 dated 19 December 2005 to demolish 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 32 vehicles, and strata subdivision into 21 lots under 'Existing Use Rights' provisions for 80 Middle Street & 133 Botany Street, RANDWICK 2031, be rescinded.
- 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. 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 subject to the following conditions:

Deferred Commencement Conditions

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

1. *The basement carpark is to be amended to incorporate the following changes:*
 - a) *Deletion of parking spaces C2 and C3 in favour of a consolidated area of deep soil planting by creating a void in the basement.*
 - b) *Provision of a single carspace angled at 60o in the space adjacent to the spaces to be deleted as per part a), above.*
 - c) *Provision of two parallel parking spaces in the area between the southern garbage room and the lift, if required the garbage room is to be redesigned or relocated within the existing basement footprint to accommodate these parking spaces. An accessible carspace to comply with the provisions of the Australian Standard and with minimum clearance of 2.5 metres is to be maintained as either a parallel space or in the space created by part b), above.*
2. *A detailed design for the landscape treatment, including proposed paving, materials and finishes to Hay Lane. The design is to include appropriate energy efficient lighting to ensure safety and security without lightspill or nuisance to adjoining properties, particularly 6 and 8 Jane Street and 82 Middle Street. No gates or fencing is to be provided to the Lane which is to be publicly accessible at all times.*
3. *A landscape plan is to be provided showing deep soil areas and clearly indicating the size and location of proposed planter boxes. The plan is to detail the proposed planting scheme, including details of species and height at maturity. Planter boxes are to be designed having regard to the rules of thumb for planting on structures under the Residential Flat Design Code. A predominance of deciduous, native and low water requiring plants are to be specified.*
4. *The ground floor plan is to be amended so that the landscaped courtyard to dwelling B.05 incorporates that area of pathway to the north of this dwelling that extends from the western boundary to the western edge of the entry gate to dwelling B.05. This area is to be incorporated into the landscape plan required in part 3, above, and is to be planted with soft landscaping.*

5. *A privacy screen shall be installed to a height of 1.6m along the full length of the western edge of the first floor balcony to dwelling unit A02 in Building A to prevent overlooking into the frontyard of the adjoining western property at No. 78 Middle Street.*

6. *Prior to this consent becoming operational, the applicant shall submit amended plans showing:*

The high point in the driveway off Middle Street being raised by 150mm to RL 42.45 (AHD);

The high point in the driveway off Botany Street being raised by 70 mm to RL 44.25 (AHD);

The floor level of Block A being raised by 60mm to RL 42.60 (AHD); and

The floor level of block E being raised by 150mm to RL 44.48 (AHD).

7. *Prior to this consent becoming operational the applicant shall submit for approval, and have approved by Council, amended plans and longitudinal sections through the both the ingress and egress driveways showing:*

Compliance with the issued alignment levels at the property boundary (i.e. RL 41.78 (AHD) at the Middle Street vehicular exit point and RL 43.72 (AHD) at the Botany Street vehicular entry point);

Compliance with the required internal driveway high points (i.e. RL 42.45 (AHD) along the Middle Street driveway and RL 44.25 (AHD) along the Botany Street driveway);

Satisfactory ramp grades and transitions in accordance with the requirements of AS 2890.1 (2004); and

Satisfactory headroom/height clearances over the access ramps in accordance with the requirements of AS 2890.1 (2004).

The sections shall be checked and certified by a suitably qualified traffic engineer and a copy of the certification shall be submitted to Council with the amended plans.

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

Development Consent Conditions

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

1. *The development must be implemented substantially in accordance with Revision j of the plans drawn by Turner + Associates Architects numbered DA002, DA010-DA13 Revision K, DA020, DA30-DA32, DA35, DA38, DA039 all stamped received by Council on 23 December 2005, the additional details of the northern fence design FD01 and FD02 dated 14/11/05 and stamped received by Council on 23 December 2005, the application form and on any supporting information received with the application, except as may be amended by the details submitted to satisfy the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:*

2. *This consent does not extend to strata approval of the development and a separate development application is to be submitted and approved by Council.*
3. *As part of the works, the sanitary drainage trap and associated sewer lines for 139 Botany Street is to be relocated to within the boundary of 139 Botany Street and in accordance with the requirements of Sydney Water so that the service can be maintained without the need for access to adjoining sites. Details are to be provided on the Construction Certificate application and these works are to be at the full cost of the applicant.*
4. *Each building block is to be provided with separate mail facilities in accordance with the requirements of Australia Post. Letterboxes to Buildings A, B, C and D are to be located on Hay Lane close to the entry to each building or in the lobby. Letterboxes to Building E are to be located on Botany Street. Details are to be provided on the Construction Certificate plans.*
5. *An intercom and gate is to be provided at the pedestrian entry path from Botany Street (as close to the street alignment as possible) and to each entry pathway from Hay Lane (4 intercoms in total) to secure the development from all public areas for residents and visitors. Details of compliance are to be provided in the relevant plans and specifications for the **construction certificate**.*
6. *A roller door or gate is to be provided to the carparking entry and exit to maintain security to the carparking area. Public access to the visitors' carparking spaces is to be maintained at all times and this is to be achieved by the installation of a suitable intercom system adjacent to the carpark entry.*

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

7. *A permanent caretaker is to be employed on site to ensure that garbage bins are properly presented to the street and retrieved in a timely and efficient manner after collection. Contact details for the caretaker are to be provided to Council and the adjoining residents to the development prior to issue of an occupation certificate for the development and details are to be updated with Council and surrounding residents as required. This condition is imposed to ensure the waste collection from the development is appropriately managed and does not cause a public nuisance or hazard.*
8. *Tandem or stacked car spaces are only to be allocated to 3 bedroom units only. 5 visitors' spaces, an accessible car space and a carwash bay are to be provided to the development and appropriately signposted and linemarked. Details are to be provided on the Construction Certificate plans.*
9. *Signage is to be provided at the Hay Lane entries to the development as to which dwellings are accessible from each entry. The numbering of the dwellings should match the numbering issued by Council in the application made under Condition 22 of this consent. Details are to be provided with the Construction Certificate application.*
10. *Public vehicular and pedestrian access through Hay Lane shall be maintained at all times.*

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:

11. *The north facing windows to the stairs of Building D at first floor level are to be obscurely glazed from sill level to a height of 1.7 metres above the finished floor level of the first floor to minimise opportunities for overlooking. Details of the glazing are to be included on the plans submitted with the Construction Certificate application.*
12. *The sill height of the west facing windows to first floor bathrooms in buildings B and C are to be increased to be a minimum height of 1.7m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above finished floor level.*
13. *The sill height of the east facing window to first floor stair and lobby in building A is to be increased to be a minimum height of 1.6m above finished first floor level, or alternatively, the window is to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above finished floor level.*
14. *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.*
15. *Fences between the courtyards of the dwellings are to be a maximum of 1.6 metres in height and are to be constructed of timber as per the details in Revision j of DA037 stamped received by Council on 17 November 2005.*
16. *The fences to the western and southern boundaries of the subject site adjoining the property at No. 135 Botany Street shall be 2.5m high to maintain privacy and security of this property.*
17. *Apart from the boundary fences adjoining Nos. 131A and 135 Botany Street and 78 Middle Street, all fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8 metres, to maintain reasonable levels of amenity to the adjoining premises. The fencing is to be constructed of lightweight materials and is to be installed at the applicant's full cost. Details of the proposed fencing are to be provided on the plans submitted with the Construction Certificate application.*
18. *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.*
19. *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.*
20. *External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*
21. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
22. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

23. *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.*
24. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

25. *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.*
26. *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.*
27. *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.*
28. *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.*

The following conditions are imposed to meet heritage objectives:

29. *A copy of any excavation permit required under Section 140 of the Heritage Act, 1977, shall be submitted to and approved by Council's Director 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 development.*
30. *A comprehensive Interpretative Program for the site is to be prepared in accordance with the recommended options (Options 1, 2, 3, 4 and 8, with some elements of Option 5) contained in the Heritage Impact Statement prepared by Graham Brooks and Associates Pty Ltd. The Interpretation Program is to comprise a written history, incorporation of sections of old fabric in common areas, development naming, use of graphic material in marketing, landscaping plans, and an appropriate component of plaques and signage. Full details of the Interpretative Program shall be submitted to and approved by Council's Director 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 development. The Interpretation Program is to be implemented in conjunction with the development.*

31. *Fencing and gates are to be compatible with the streetscape and are to comply with requirements for Fences contained in Council's Development Control Plan for Multi-unit housing. Amended details of the design, height, materials and structure of the front fence and gates to are to be submitted to and approved by Council's Director 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 development.*
32. *An archival recording of the property shall be prepared and submitted to and approved by Council's Director 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 development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*
33. *An archaeological assessment of the site is to be prepared in accordance with the Archaeological Assessment Guidelines produced by the NSW Heritage Office. The assessment should advise on the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development. The archaeological assessment is to be submitted to and approved by Council's Director 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 development.*

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

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

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

35. *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.*
36. *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.*
37. *Appliances provided within the development must satisfy any relevant BASIX requirements and as a minimum, appliances should satisfy the following energy ratings:*

Clothes dryers minimum 2.5 star

*Dishwashers minimum 3 star
Air conditioners minimum 4 star
Clothes washers minimum 4 star
Fridge minimum 4 stars*

38. *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 located a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate, to the satisfaction of the Certifying Authority.

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

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

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

a) *for the provision or improvement of open space* \$43,199.76
b) *for the provision or improvement of community facilities* \$19,101.44

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

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

40. *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'.*

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

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

- *New South Wales Occupational Health and Safety Act, 2000;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*

- *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
43. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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

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

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

45. *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.*
46. *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.*

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:

47. *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.*
48. *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.***

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

49. *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.

50. *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.*
51. ***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.
52. ***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.

53. *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.

54. *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".*

55. *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.

56. *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.

57. *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.*

58. *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.

59. *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:

60. *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.*

61. *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.

62. *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**.*

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

a) all of the premises adjoining the subject site.

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

64. *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**.*

65. *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:

66. *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.*
67. *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.*
68. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall prepare a Work Plan prepared in accordance with Australian Standards AS2601-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the precautions to be employed to ensure public safety and to*

minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such works.

69. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter or equally effective methods. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*
70. *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.*
71. *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.

72. *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.*
73. *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.*

74. *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.*
75. *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.*
76. *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.*
77. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

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.

78. *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.*
79. *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.*
80. *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.

81. *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.*
82. *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.*
83. *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. The Plan must stipulate that both street frontages (Middle Street and Botany Street) are utilised for access to the site during construction. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

84. *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.

85. 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.

86. 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.

87. Temporary timber crossings are to be provided to the site entrances across the kerb and footway areas, with splayed edges, to the satisfaction of Council, unless access is via existing concrete crossovers.

88. 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.

89. *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.

90. *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:

91. *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**.*

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

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

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

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

A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and

Completion of the civil works as conditioned in this development consent by Council.

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

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

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

93. *The applicant shall meet all costs associated with upgrading the laneway located adjacent to the eastern site boundary to facilitate pedestrian access to the subject development. Detailed plans for the upgrade works shall be submitted to and approved by Council prior to the commencement of works within the laneway and the works shall be completed to the satisfaction of Council prior to the issue of an occupation certificate.*

The footpath constructed over the laneway is to be concrete and constructed in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works";

The footpath constructed over the laneway is to match the level of the footpath in Middle Street (at the Middle Street alignment) as well as the alignment levels of the adjacent properties to the east and west of the laneway;

The laneway shall be contoured to direct overland flows through to Middle Street;

No landscaping (except turf) shall be provided in Council's laneway. Any landscaping proposed adjacent to the laneway will require approval from Council to ensure that the species selected will not result in root damage to either the proposed footpath or the existing stormwater drainage line;

Suitable lighting shall be provided within the laneway.

No fencing shall be installed across the laneway. The laneway is to remain clear and unobstructed for public access at all times.

94. *Details of the proposal method for lighting the laneway shall be submitted to and approved by Council prior to the issuing of a construction certificate. It is noted that the lighting must be provided from within the subject development site and must not cause lightspill into adjoining properties.*
95. *There shall be no encroachment of any portion of the development into the adjoining laneway*
96. *The applicant must meet the full cost for Council or a Council approved contractor to undertake the following works prior to the issue of an occupation certificate:*

Middle Street

- a) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular exit from the site in Middle Street.*

Note: the applicant shall liaise directly with Energy Australia to have the power pole located adjacent to the western side of the proposed crossing relocated (or removed if appropriate) prior to construction of the new vehicular crossing.

- b) *Remove the redundant concrete vehicular crossing and layback in Middle Street and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
- c) *Construct new kerb and gutter from the eastern side of the vehicular crossing servicing 78 Middle Street to the western boundary of 82 Middle Street. This shall include minimum 2 metre wide full depth road reconstruction works in front of the new kerb and gutter.*

Note: This condition has been included to facilitate raising the kerb and gutter levels along the site frontage and minimizing the potential for vehicles to scrape when entering the subject site. The new kerb and gutter shall be graded towards the kerb inlet pit.

- d) *Remove the existing gutter bridge located over the kerb inlet pit in Middle Street (located immediately to the east of the subject site) and re-construct the inlet pit to match the new kerb levels. The new/reconstructed kerb inlet pit shall be construction in general accordance with Council's standard drawing SD7a and shall incorporate a 2.4 metre long lintel opening.*
- e) *Construct a new concrete footpath along the full site frontage in Middle Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

Botany Street

- f) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance in Botany Street.*
- g) *Remove the redundant concrete vehicular crossing and layback in Botany Street and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

- h) Construct a new concrete footpath along the full site frontage in Botany Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - i) Repair/replace any damaged sections of Council's kerb and gutter along the full site frontage in Botany Street. This may include road reconstruction works.*
97. *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.*
98. *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.*
99. *All new walls adjacent to vehicular exit in Middle Street 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. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
100. *The vehicular entry and exit driveways shall be designed in accordance with the requirements of AS 2890.1 (2004) and shall have a minimum clear width of 3 metres.*
101. *A Works Zone(s) is to be provided in the vicinity of the development site 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 total 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.

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

102. *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 be as follows:*

In Middle Street – match the level at the back of the existing footpath along the full site frontage. Note: The level at the vehicular exit point shall be RL 41.78 (AHD).

In Botany Street - match the level at the back of the existing footpath along the full

site frontage. Note: The level at the vehicular entry point shall be RL 43.72 (AHD).

- 103. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*
- 104. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$860 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
- 105. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the issued alignment levels. This condition has been attached to accommodate footpath construction at this location.*

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

- 106. 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.*
- 107. 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. This includes relocation (or removal if appropriate) of the power pole located on the western side of the proposed vehicular crossing in Middle Street.*
- 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.*
- 109. 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.*
- 110. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground, and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*
- 111. All power supply and telecommunications cabling to the development shall be underground.*
- 112. 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 occupation of the development.

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

Protection from flooding

113. The ground floor levels shall be at the following minimum levels:

Block A: RL 42.60 (AHD)

Block B: RL 43.00 (AHD)

Block C: RL 43.30 (AHD)

Block D: RL 43.60 (AHD)

Block E: RL 44.48 (AHD)

114. Any vents, access stairs or other openings into the basement carpark (excluding the driveway openings) must be located at or above the ground floor level of the adjoining unit block. The plans submitted for the construction certificate shall demonstrate compliance with this requirement

115. The proposed internal driveway off Middle Street must be designed with a high point at a minimum RL of 42.45 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

116. The proposed internal driveway off Botany Street must be designed with a high point at a minimum RL of 44.25 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

117. All structural walls on the ground floor level 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.

Protection of Council's stormwater pipeline

118. Prior to the issue of a construction certificate, the applicant shall engage a suitably qualified surveyor to accurately locate the drainage line located adjacent to the eastern site boundary. The following details shall be submitted to Council:
- (iii) The drainage line location and the offset distance/clearance from the outside edge of the drainage line to the proposed development; and
 - (iv) The invert levels of the drainage line.
119. The footings of any structures located adjacent to the stormwater drainage line burdening the site shall be founded on rock, or, extended below a 30 degree line taken from the pipe invert level at the edge of the laneway ('angle of repose'). The building works must be inspected by the applicant's engineer to ensure that these footings extend below the 'angle of repose' and documentary evidence of compliance is to be submitted to Council, prior to proceeding to the subsequent stages of construction.
120. The applicant shall provide details of how it is proposed to fully protect and maintain Council's drainage line during all excavation and construction works. The details shall be prepared by a suitably qualified engineer and shall be submitted to the certifying authority prior to the issue of a construction certificate.
121. The pipeline located within the laneway adjacent to the eastern site boundary shall be fully protected during all excavation and construction works. There shall be no movement of construction equipment, nor the storage of any material on the laneway.
122. Prior to the commencement of work on the site, the applicant shall submit to Council's Director of City Services a CCTV survey of the pipeline located within the laneway adjacent to the eastern site boundary. The CCTV survey shall inspect the stormwater pipeline for any pre-existing damage.
123. Upon completion of all construction works, the applicant shall undertake another CCTV survey of the pipeline to determine if the pipeline has been damaged during work on the site. The second CCTV shall be submitted to Director of City Services for approval prior to the issue of an occupation certificate.
124. Prior to the issue of an occupation certificate, the applicant shall meet the full cost to repair/replace any sections of the pipeline that are damaged by works on the site.

External Drainage works

125. All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Middle Street via the kerb inlet pit located between 80 and 82 middle street. The subject inlet pit shall be reconstructed to remove the gutter bridge and incorporate a 2.4 metre long lintel opening. The new connection into the kerb inlet pit shall be to the satisfaction of Council's Assets Drainage Engineer.

Internal Drainage

126. Stormwater drainage plans have not been approved as part of this development consent. 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 (i.e. above the 1 in 20 year storm) to the stormwater detention system or Council's street.*
- 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.*

127. 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.

128. All site stormwater must be discharged (by gravity) to either:

- j) The underground drainage system in Middle Street, via a kerb inlet pit; OR*
- k) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*

129. *Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Development Engineer. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.

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

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

130. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.*

Should no formal overland escape route be provided for storms greater than the design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

131. *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.*

132. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*

133. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*

- l) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and side slopes are steeper than 1 in 10)*
- m) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
- n) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

Notes:

*It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.
Mulch/bark must not be used in onsite detention areas*

134. *Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the*

maximum flood level.

135. *The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

136. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*

137. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*

138. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from the Council drainage system does not surcharge back into the site stormwater system.*

139. *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.

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

- o) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the underground drainage system; and*
- p) 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.

141. Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Development Engineer.*
- b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*

142. A minimum of one covered car washing bay shall be provided for this development.

- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
- b) The car washing bay must be located outside any required/approved stormwater detention system.*
- c) The car washing bay must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
- d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
- e) A water tap shall be located adjacent to the car washing bay.*

143. 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:

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

144. 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.

Waste Management Conditions

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

145. The garbage rooms shall be sized to contain a total of 22 x 240 litre bins (11 garbage bins & 11 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.

146. 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.

147. The waste storage areas shall be clearly signposted.

148. Waste Management arrangements shall be undertaken in general accordance with the submitted Waste Management Plan (dated 17 November 2005).

149. Prior to the issue of an occupation certificate, a positive covenant shall be registered on the title of the subject property stating that the owners corporation will be responsible for ensuring that all full bins are safely transferred from the basement to the kerbside for collection each week using an appropriately dimensioned vehicle. The method of moving bins up the steep driveway ramps shall be in general accordance with the details contained in the letter from Bell Star Group dated 17 November 2005.

Landscape Conditions

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

150. An amended landscape plan which reflects to the layout of the approved architectural plans shall be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA) and shall be submitted to, and be approved by, the certifying authority prior to the issue of a

construction certificate. The landscape plan is to include:

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

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

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

Note: The plan shall show where the five (5) Archontophoenix alexandrae (Alexander Palms, trees 18-22 in the Arborists Report) will be transplanted to.

- 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.*

Note: Species selection adjacent to proposed pedestrian paths and the stormwater line in the adjoining laneway will need to be carefully considered in order to prevent damage or uplifting caused by their root systems.

- 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.*

Note: In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.

- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*

- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

Note: All planter boxes and garden beds constructed on slab must have a

minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.

151. 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.

152. To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas, and is to provide full coverage to all planted areas with no overspray onto driveways and paved areas.

Details are to be submitted showing connection of this system to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with current Sydney Water requirements.

153. The nature strip upon both of Council's footways 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.

154. The nature strip upon both of Council's footways 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.

155. Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown on all detailed landscape drawings and specifications.

156. 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.

Tree Management

157. The applicant shall submit a total payment of \$4,159.60 to Council,

- a. Being the cost for Council to remove the existing street tree specimen of *Lophostemon confertus* (Brush Box, tree 1 in the Arborists Report, located on the Botany Street nature strip, (\$580.00 + GST),*
- b. Being the cost for Council to supply and install 1 x 100 litre street tree (*Lophostemon confertus*, Brush Box) on the Botany Street nature strip, towards the northern boundary at the completion of all works (\$356.00 + GST),*
- c. To compensate Council for the loss of amenity caused by the removal of the*

street tree (\$3,130.00) no GST.

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.

158. *Approval is granted for the removal of the following eleven (11) trees, subject to the planting of a minimum number of 10 x 75 litre broad canopied replacement trees (not palms) which are to be appropriately located within the deep soil zones provided throughout the site, as close as practically possible to where the existing trees (within the site) have been removed from. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- x) All eight (8) Syagrus romanzoffianum (Cocos Palms) within the site, trees 8-14 & 23 in the Arborists Report.*
- y) One Jacaranda mimosifolia (Jacaranda) towards the Middle Street frontage, tree 17 in the Arborist Report*
- z) One Lophostemon confertus (Brush Box, tree 2) located in the rear yard of 133 Middle Street, towards the northern portion of the site.*
- aa) One Lophostemon confertus (Brush Box, Tree 1) located on the Botany Street frontage (as described in the condition above).*

159. *In accordance with recommendations contained in the Arboricultural Assessment Report prepared by Peter Richards of Tree and Landscape Consultants, reference number 519-1 06, dated 8th July 2005 and stamped received at Council on 15th July 2005, the applicant will be required to transplant all five (5) Archontophoenix alexandrae (Alexander Palms, trees 18-22 in the Arborists Report) from the central grassed courtyard to suitable locations elsewhere within the site (to be indicated on the landscape plan). The following additional information shall be submitted to the satisfaction of the certifying authority, prior to the issue of a Construction Certificate:*

- a. A detailed report submitted by the site Arborist outlining the proposed method and scheduling of the proposed transplanting works.*
- b. A maintenance schedule detailing the aftercare that is to be undertaken once the palms have been relocated.*

Note: Failure of the palms during or after transplanting will result in the applicant providing replacement plantings of the same/similar species, size, form and function, prior to the issue of a final occupation certificate, to the satisfaction of the certifying authority.

Tree Protection Measures

160. *In order to ensure the retention of the row of five (5) Cupressus sempervirens (Italian Cypress, Trees 3-7), the Persea americana (Avocado Tree, tree 15) and Eucalyptus haemastoma (Scribbly Gum, Tree 16) beyond the eastern boundary, in the rear yards of the adjoining properties to the east (4 and 6 Jane Street), in good health, the following measures are to be undertaken:*

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted*

for the construction certificate application shall show the retention of the existing specimens with the position of their trunks and full diameter of their canopies clearly shown on all drawings.

- b. Any excavations undertaken within the driplines of the subject trees shall be undertaken under the supervision of the site Arborist.*
- c. Prior to the issue of a final occupation certificate, the applicant will be required to submit a written report by the site Arborist, to the satisfaction of the certifying authority, confirming that the recommendations and conditions contained in the Arborists Report and development consent respectively, have been adhered to during the course of the proposed works.*

161. Nothing in this consent implies any right of entry onto adjoining properties, 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.'

162. A refundable deposit in the form of cash, cheque, or bank guarantee (with no expiry date) 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.

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.

- 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 Council claiming all or part of the lodged security.*

163. To facilitate release of the bond, the applicant shall provide Council with certification from a suitably qualified Landscape Architect (who is eligible for membership with the Australian Institute of Landscape Architects), confirming that they have inspected the site 12 months after the issue of an occupation certificate and that landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation.

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

10.2 DIRECTOR, CITY PLANNING REPORT 38/2006 - 7 WILD STREET, MAROUBRA. (DA/662/2004)

- 134 **RESOLUTION:** *(Andrews/White)* that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/662/2004/B for permission to clarify the rear yard levels and increase the internal ceiling height of the carport at 7 Wild Street Maroubra in the following manner:-

Amend Condition 1 to read:

The development must be implemented substantially in accordance with the plans numbered 1 & 2, dated 8th April 2004 and received by Council on the 12th August 2004, the application form and on any supporting information received with the application, as amended by the Section 96 plans dated 2/06 received by Council on the 18th April 2006, and by letter of the 10th May 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

MOTION: *(Andrews/White)* CARRIED – SEE RESOLUTION.

10.3 DIRECTOR, CITY PLANNING REPORT 39/2006 – 41 TUNSTALL AVENUE, KINGSFORD. (DEFERRED) (DA/1002/2005)

- 135 **RESOLUTION:** *(White/Andrews)* that:

- A. Council as the responsible authority grant its development consent as a “**Deferred Commencement**” under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1002/2005 for the construction of a new part two part three storey dwelling house including basement parking, swimming pool and rear deck at 41 Tunstall Avenue, Kingsford, subject to the following conditions:-

Deferred Commencement Conditions:

The consent is not to operate until the following materials/amendments have been submitted to and approved by Council’s Director of City Planning:

1. *The masonry fencing along the southern side of the rear swimming pool area for a total length of 8500mm is to have a maximum height of 1800mm, measured from the finished pool level, and the fencing shall be constructed of part masonry wall of 600mm and part opaque glass panel of 1200mm. The centre of the masonry wall section can be extended to 1200mm to allow a water feature into the pool.*
2. *The 1000mm wide landscaped area along the southern side of the rear swimming pool area shall be deleted.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

4. *Windows to the bathroom and laundry at the ground floor are provided with obscured glazing.*
5. *The balcony to the study room at the first floor level is to be deleted and the sliding door on the northern elevation is to be replaced with a window having a sill height of 1.6m above floor level, or alternatively, the window is to be fixed and provided with obscured glazing below 1.6m above floor level.*
6. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan detailing the proposed species, quantity and location of plants shall be submitted to and approved by Council's Directory of City Planning.*

The landscape plan will be required to detail the species proposed within the 1000mm wide garden bed proposed at the northern side of the proposed rear ground floor deck to provide a continuous vegetative screen to a minimum height of 4 metres, to completely screen the proposed 1.8m high walls, measured above deck level, when viewed from the adjoining property to the north.

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

Development Consent Conditions

- B. *Subject to compliance with the deferred commencement conditions, 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:*

Referenced Plans:

1. *The development must be implemented substantially in accordance with the amended plans numbered DA1 to DA4, Issue D, dated November 2005 and received by Council on 15 March 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and the details/amendments 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. *There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*

3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
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. *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 approved paving or the like on the ground) without the written consent of Council.*
6. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.*
7. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

8. *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.*

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

9. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*
10. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

11. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*
 - *Stormwater management (i.e. rainwater tanks)*

- Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
 - Landscaping provisions
 - Thermal comfort (i.e. construction materials, glazing and insulation)
 - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
12. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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:

13. *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.*

Where the land slopes up to the street gutter and it is not practicable to connect to the street gutter, stormwater may be discharged to a suitably designed absorption pit to the satisfaction of the Certifying Authority and subject to the absorption pit minimum, and being designed and located so as to not⁵having a base area of 5m result in the flow of stormwater to any adjacent land.

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.

14. *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:

15. *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.

16. *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.*

17. ***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.
18. ***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.

19. *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.

20. *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”.*
21. *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.

22. ***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.

23. *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.*

24. *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 0.35% of the cost of the works.

25. *Smoke alarms are required to be installed in each Class 1 building or residential 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:

26. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, 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.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

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.

27. *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.*
28. *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.

29. *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.*
30. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

31. *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.*

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

32. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*

- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.*
- 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.*

33. *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.*

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

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

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

35. *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.

36. *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.

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.*

*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.

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. *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.*

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.

40. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*
- *Install or erect any site fencing, hoardings or site structures*
 - *Operate a crane or hoist goods or materials over a footpath or road*
 - *Placement of a waste skip (greater than 3m in length) or any container or other article.*
41. *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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

42. *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.

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

- a) *all of the premises adjoining the subject site.*

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

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.*
45. *A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the issuing of a construction certificate**.*

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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

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

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

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

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

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

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

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

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

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

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

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

49. *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.

50. *The operation of air conditioning units 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.*

51. *The installation of rainwater tanks and greywater 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 greywater 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 greywater 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.*

52. *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 of Environmental Health & Building Services.

CIVIL WORKS CONDITIONS

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

53. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.**
54. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
55. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

ALIGNMENT LEVEL CONDITIONS

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

56. *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.*
57. *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.*
58. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$536.00 calculated at \$44.00 (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:

59. *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.*
60. *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.*

Drainage Conditions

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

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

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

Notes:

a. The sediment/silt arrester pit shall be constructed:-

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

b. The infiltration/rubble pit shall:-

- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*

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

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

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

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

- d. *The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.*
62. *Any stormwater runoff which cannot be directed to the kerb and gutter at the front of the property (via the infiltration area as detailed above) shall be discharged either:*
- c) *Through private drainage easements to Council's kerb and gutter (or underground drainage system); OR*
 - d) *To a separate suitably sized infiltration area. As a guide, infiltration areas which do not have an overflow to the street shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area draining to the infiltration area.*

Prior to the use of infiltration in areas where there is no formal overland escape route to Council's kerb and gutter/street drainage system, a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

Landscape Conditions

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

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

64. *Landscaped areas must include an area dedicated to on-site composting.*
65. *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.*
66. *The nature strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
67. *The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
68. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

Tree Management

69. *Approval is granted for the removal of the *Lophostemon confertus* (Brushbox) growing within the rear of the property, subject to the planting of 2 x 25-litre broad canopied replacement trees (not palms) within the site.*

The species selected as a replacement shall be one that will attain a minimum height of 6 metres at maturity.

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: (White/Andrews) CARRIED – SEE RESOLUTION.

10.4 DIRECTOR, CITY PLANNING REPORT 40/2006 - 19 WOLSELEY ROAD, SOUTH COOGEE. (DA/989/2005)

136 **RESOLUTION: (Andrews/White) 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 989/2005 for Construction of a new room including shower and toilet facilities (constituting an additional floor level) to the approved 1-3 storey dwelling (currently under construction) and extension of approved chimney above roof level of new room at 19 Wolseley Road, South Coogee subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with the plans drawn by Beachworth Studio numbered 8801 001/A3 through to 8801 005/A3, dated 22.03.06 and stamped received by Council on 28 March 2006, only in so far as the work shown in pink on the plans, the schedule of materials stamped received by Council on 8 May 2006, 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. *This consent does not provide for any changes are approved to the terrace areas which are to be in accordance with previous DA approval 691/2003.*
 3. *There shall be no addition of temporary structures on the roof including furniture, planter boxes, umbrellas and the like to reduce any obstruction of views and to maintain a safe environment.*

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:

4. *There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.*

5. *The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.*
6. *The room approved under this consent shall not be let, adapted or used for separate residential occupation or commercial purposes at any time.*
7. *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.*
8. *Power supply and telecommunications cabling to the development shall be underground.*
9. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
10. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*

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

11. *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.*
12. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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

13. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
14. *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.*
15. *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**.*

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

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

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

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

20. *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.

21. *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".*
22. *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.

23. *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.

24. *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.*

25. *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 0.35% of the cost of the works.

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

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

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

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

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

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

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

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

28. *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.*
29. *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.*
30. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents

31. *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 new room showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - (b) *On completion of the erection of the works 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.*
32. *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.*
33. *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.

34. *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.

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any 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.

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

10.5 DIRECTOR, CITY PLANNING REPORT 41/2006 - 29-31 ALFREDA STREET, COOGEE. (DA73/1995/C)

137 **RESOLUTION: (Matson/Notley-Smith)** *that: this matter be deferred in order to allow consultation with the Coogee Precinct Committee.*

MOTION: (Andrews/Bastic) 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.073/95 on property 29-31 Alfreda Street, Coogee, to extend the existing operating hours from 10am to 1 am subject to standard conditions and additional conditions requiring the applicant to allow no further entry to patrons or commence any new gaming after midnight.

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

10.6 DIRECTOR, CITY PLANNING REPORT 42/2006 - 4 EDGECLIFFE AVENUE, SOUTH COOGEE. (DA/1055/2005)

138 **RESOLUTION: (Matson/Woodsmith)** *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 1055/2005 for the demolition of the existing dwelling house and rear garage and construct a new two storey dwelling house including double garage and lap pool at 4 Edgecliffe Avenue, South Coogee subject to the following 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 DA-01, DA-02 and DA-03, dated 27 March 2006 and received by Council on 27 March 2006, 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 the roof and window louvre materials, are to be non-reflective and 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 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.

3. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
4. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
5. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.*
6. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.*
7. *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.*
8. *To ensure the amenity of adjoining neighbouring properties is maintained, No.2 Edgecliffe Avenue, No.6 Edgecliffe Avenue and No.209 Malabar Road shall be notified by the applicant in writing 1 week prior to the demolition of the existing dwelling.*
9. *The first floor windows on the western elevation shall have fixed obscure, frosted, or sandblasted glazing to a height of 1.6m above floor level.*
10. *The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.*

The outdoor pavilion must only be used for the purposes specified in the development consent and the building must not be used for separate residential accommodation or as a separate residential occupancy at any time.

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

11. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon No.209 Malabar Road and No.2 and No.6 Edgecliffe Avenue, South Coogee.*

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

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

12. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*

13. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

14. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*

Stormwater management (i.e. rainwater tanks)

Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)

Landscaping provisions

Thermal comfort (i.e. construction materials, glazing and insulation)

Energy efficiency (i.e. cooling & heating provisions and hot water systems)

15. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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

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

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

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

20. *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.

21. *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”.

22. *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.

23. ***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.

24. *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.*

25. *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 0.35% of the cost of the works.

26. *Smoke alarms are required to be installed in each Class 1 building or residential 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 compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

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

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

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

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

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

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

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

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

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

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

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

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

30. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, 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.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

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.

31. *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.*
32. *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.

33. *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.*
34. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to

nearby residents.

35. *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.*

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.

36. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*

- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.*
- 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.*

37. *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.*

38. *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.

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

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

provide dust control, or other material approved by Council.

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

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

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

40. *A 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.

41. *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.

42. *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.*

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

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.

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

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

45. *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 maintain reasonable levels of public health, amenity and safety:

46. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos 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.

47. *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.*

48. *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.*

49. *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.

50. *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.

51. *A Certificate or Statement, prepared by a suitably qualified person (ie 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.*

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

52. *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.*

53. *A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the issuing of a construction certificate.***

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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

54. *The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to carry civil works such as construction of a new vehicular crossing to the subject site.*

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

The damage/civil works security deposit may be provided by way of 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.

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

55. *The applicant must meet the full cost for Council or a Council approved contractor to:*
1. *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

Note: the footpath allocation in the driveway shall be located adjacent to Council's kerb line.
 2. *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 3. *Construct retaining walls on Council nature strip, including any associated guardrails either side of the Council driveway, if required.*
56. *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.*
57. *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:

58. *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, shall not exceed RL 48.10 AHD (refer to survey by Eric Scerri & Assoc, dated 30/9/05)*

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

59. *The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate.*
60. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$536.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

61. *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.*
62. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

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

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

Notes:

- a. *The sediment/silt arrester pit shall be constructed:-*
- i. *within the site at or near the street boundary.*

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

b. *The infiltration/rubble pit shall:-*

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

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

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

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

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

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

- 64. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*
- 65. *Landscaped areas must contain a predominance of species that require minimal*

watering once established or species with water needs that match rainfall and drainage conditions.

66. *Landscaped areas must include an area dedicated to on-site composting.*
67. *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.*
68. *The nature strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
69. *The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
70. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

ADVISORY 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 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/Woodsmith) CARRIED – SEE RESOLUTION.

10.7 DIRECTOR, CITY PLANNING REPORT 43/2006 - FORMER STA LAND ADJOINING RANDWICK RACECOURSE KNOWN AS 66A DONCASTER AVE, RANDWICK. (P/017167 xr F2006/00182)

139 **RESOLUTION: (Sullivan/White) that:**

- a) *Council note and endorse the advice contained within this report;*
- b) *Council prepare a letter to the Department of Planning seeking their position on whether the site is regional open space and the possibility of future acquisition under the Sydney Region Development Fund. The letter to also seek the Department's position on zoning the land 6B Private Open Space; and*
- c) *a letter of position be sent to the owner of the subject site advising of Council's planning position.*

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

10.8 DIRECTOR, CITY PLANNING REPORT 44/2006 - ENVIRONMENTAL ASSESSMENT - PROPOSED HEXACHLOROBENZENE (HCB) RE-PACKAGING PLANT - BOTANY INDUSTRIAL PARK. (F2004/07897)

140 **RESOLUTION: (Matson/Woodsmith) that:**

- a) *Council endorse the attached draft response to the Department of Planning; and*
- b) *Council express concern that there is still no long term plan for the disposal of the HCB and urge Orica and the Departments of Planning and Environment and Conservation to accelerate their efforts towards finding a socially and environmentally suitable end solution for the disposal or reuse of the HCB.*

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

11. PETITIONS.

11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR TED SENG ON BEHALF OF RESIDENTS OBJECTING TO THE DEVELOPMENT PROPOSED FOR 102-106 BOYCE ROAD, MAROUBRA. (F2005/00172 xr DA/302/2006-02)

141 **RESOLUTION: (Nash/Notley-Smith) that the petition tabled be received and noted.**

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 MOTION BY COUNCILLOR BASTIC – UPGRADE COASTAL WALKWAY, MARINE PARADE BETWEEN UNDINE & WILSON STREETS. (F2004/07523 XR F2005/00171)

142 **RESOLUTION:** *(Bastic/Andrews) that Council report on the residents request for the undergrounding of electrical wiring in Marine Parade between Undine and Wilson Streets as part of the upgrading of the coastal walkway.*

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

12.2 MOTION BY COUNCILLOR ANDREWS – TRAFFIC LIGHTS AT THE INTERSECTION OF ANZAC PARADE, HAIG STREET & WISE STREET. (F2004/08222 XR F2005/00171)

143 **RESOLUTION:** *(Andrews/Nash) that Council write to the Minister for Roads, The Hon Eric Rozendale and the State Member for Maroubra, Mr Michael Daley to review the RTA decision not to fund traffic lights at the intersection of Anzac Parade, Haig Street and Wise Street. Council insists that traffic lights be installed at this location to improve both pedestrian and vehicle movement.*

Further, that this matter be referred to the traffic committee for review.

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

12.3 MOTION BY COUNCILLOR MATSON – RESPONSE TO MEDIA COVERAGE OF LIGHT RAIL REPORT RECOMMENDATIONS. (F2004/08175 XR F2005/00171)

144 **RESOLUTION:** *(Matson/Woodsmith) that Council:*

- a) *write to the Premier asking for confirmation that a 2004 report by transport consultants Parsons Brinckerhoff recommended extending light rail in the Sydney CBD and requesting a copy of the report;*
- b) *further advises the Premier that Council supports the extension of light rail in the CBD and draws to his attention Council's own identified options for an eastern suburbs light rail system as articulated in our draft 20 year strategic plan; and*
- c) *writes to the State MP's for Maroubra, Coogee and Heffron asking them to clarify what support they can offer Council in advancing the return of light rail in our area.*

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

12.4 MOTION BY COUNCILLOR MATSON – REGIONAL FUNDING OPTIONS FOR HEFFRON PARK REFURBISHMENTS. (F2004/08289XR F2005/00171)

145 **RESOLUTION:** *(Matson/Woodsmith) that an assessment of the following funding options for upgrading the Heffron Park sporting complexes be presented as a submission to the draft Masterplan currently on exhibition and that:*

- a) *Council approach both the State Government directly and local State Government MP's individually to request a dollar-for-dollar funding arrangement similar to the arrangements for the Coogee and Maroubra Beach upgrades; and*
- b) *a proposal be put to SSROC inviting other Councils to become regional joint partners with Randwick in the funding, running, maintenance and ownership of the upgraded sporting complexes.*

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

12.5 MOTION BY COUNCILLOR MATSON – CLEARING OF ENDANGERED EASTERN SUBURBS BANKSIA SCRUB ON PRINCE HENRY SITE. (F2005/00123 XR F2005/00171 XR F2004/07970)

- 146 **RESOLUTION: (Matson/Belleli)** *that the General Manager urgently asks LandCom why Endangered Eastern Suburbs Banksia Scrub has been cleared from Lot 66 of the Prince Henry site and reports back to a Council meeting on the matter.*

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

12.6 MOTION BY COUNCILLOR MATSON – COUNCIL CONCERN AT STATE GOVERNMENT RETREAT FROM BASIX. (F2004/07964 XR F2005/00171)

- 147 **RESOLUTION: (Matson/Woodsmith)** *that Council writes:*

- a) *To the State Government noting concern at media reports that development interests have been successful in opposing sustainability initiatives achievable under BASIX and asking for clarification as to how Council can be expected to maintain sustainability momentum at a local level with out a firm stand by the State Government; and*
- b) *To the local members for Maroubra, Coogee and Heffron seeking clarification as to how they can assist Council in defending the effectiveness of BASIX from being undermined by developers.*

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

12.7 MOTION BY COUNCILLOR MATSON – RESPONSE TO MOVERELY PRECINCT COMMITTEE RESOLUTION ON BUNDOCK STREET WETLANDS. (F2004/08424 XR F2005/00171)

- 148 **RESOLUTION: (Matson/Woodsmith)** *that a report be brought before a Council meeting:*

- a) *Assessing the impact of both Commonwealth and Sydney Water draining operations on the usual water level and ecology of the Bundock Street wetland; and*
- b) *Advising Councillors of the resulting ecological repairs Council may have to undertake when eventually receiving dedication of the Environment Park that will contain the wetland.*

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

12.8 MOTION BY COUNCILLOR MATSON – COUNCIL SUPPORT FOR INDUSTRIAL RELATIONS RALLY. (F2004/06921 XR F2005/00171)

149 **RESOLUTION:** (*Matson/Woodsmith*) that:

- a) *Council sponsor a bus to take people from the Randwick City Council area to the Industrial Relations Rally in Blacktown on 28th June, 2006; and*
- b) *Organisers of the event be notified of Council's decision.*
- c) *Council congratulates the Beaconsfield miners on their opposition to the Federal Government's draconian industrial relations laws.*

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

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORT.

15. COMMITTEE-OF-THE-WHOLE.

The Mayor invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

EXCLUSION OF PRESS AND PUBLIC

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10A (2) (g) of the Local Government Act 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration dealt with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege, on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

RESOLVED: (His Worship the Mayor, Cr. T. Seng/Notley-Smith) that the Ordinary Meeting of the Council be adjourned at 9.18pm to consider the confidential item in closed session.

RESOLVED: (His Worship the Mayor, Cr. T. Seng/Notley-Smith) that the Ordinary Meeting of the Council be resumed at 9.26pm.

16. REPORT OF COMMITTEE-OF-THE-WHOLE.

The General Manager reported that the following matter had been considered and the following recommendation to the Council had been formulated by the Committee-of-the-Whole.

CONFIDENTIAL MAYOR'S MINUTE 37/2006 - LEGAL ADVICE LAND AND ENVIRONMENT COURT PROCEEDINGS 10213 OF 2006, DEVELOPMENT APPLICATION NO. 70/2004 - 1-3 VILLIERS STREET, KENSINGTON.

150 **RESOLUTION:** (*Bastic/White*) that the development application for 1-3 Villiers Street, Kensington be approved subject to standard conditions.

MOTION: (*Bastic/White*) **CARRIED – SEE RESOLUTION.**

Crs Matson & Woodsmith requested that their names be recorded as opposed to the resolution.

17. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 9.27p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 27TH JUNE, 2006.

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CHAIRPERSON