

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 9TH MAY 2006 AT 6:43 P.M.**

PRESENT:

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

Councillor B. Notley-Smith (East Ward) (Chairperson)

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| North Ward | - | Crs P. Tracey & M. Woodsmith |
| South Ward | - | Crs R. Belleli & A. White |
| East Ward | - | Crs M. Matson & D. Sullivan |
| West Ward | - | Crs B. Hughes, S. Nash & J. Procopiadis |
| Central Ward | - | Crs A. Andrews & C. Bastic (from 7.16pm) |

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. |
| Communications Manager | Ms. D. Brien. |
| Development Assessment Officer | Ms. S. Hudson |

1. APOLOGY.

An apology was received from Cr Daley.

RESOLVED: (Procopiadis/Nash) that the apology from Cr Daley for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 9th May, 2006 be received & accepted and leave of absence be granted as requested.

1A. LEAVE OF ABSENCE.

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

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 11TH APRIL, 2006.

H34 **RESOLUTION: (Belleli/Nash)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 11th April, 2006 (copies of which were circulated to all

The Applicant Ms Genevieve Slattery 110-114 Kippax Street, Surry Hills

Item 5.2 DEVELOPMENT APPLICATION REPORT - 343-355 CLOVELLY ROAD, CLOVELLY.

The Objector Mr Martin Benge Unit 1, 16 Beach Street, Clovelly

The Applicant Mr Jim Demetriou 46 St Paul Street, Randwick

Item 5.3 DEVELOPMENT APPLICATION REPORT - 820A-824 ANZAC PARADE AND 5 ALMA ROAD, MAROUBRA.

The Applicant Mr Frank Cozupoli 41-45 Rickard Road, Bankstown

Item 5.4 DEVELOPMENT APPLICATION REPORT - 80 MIDDLE STREET AND 133 BOTANY STREET, RANDWICK.

The Objector Mr Rick O'Gorman-Hughes Martin Place Chambers

The Applicant Mr Nick Turner 1/586 Crown Street, Surry Hills

Item 5.5 DEVELOPMENT APPLICATION REPORT - 7 WILD STREET MAROUBRA.

The Objector Mr Alan Smuskowitz 8 Kingsford Street, Maroubra

The Applicant Mr Vince Dibello 7 Wild Street, Maroubra

Item 5.7 DEVELOPMENT APPLICATION REPORT - 41 TUNSTALL AVENUE, KINGSFORD.

The Objector Mr Emmanuel Arapidis 43 Tunstall Avenue, Kingsford

The Applicant Mr Darryl Blythe Suite 2/5 Boyle Street, Sutherland

Item 5.8 DEVELOPMENT APPLICATION REPORT - 38 WENTWORTH STREET, RANDWICK.

The Objector Mr Mark Sant 29 Dangar Street, Randwick

The Applicant Mr James Dack 38 Wentworth Street, Randwick

Item 5.9 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE.

The Objector Mr Sam Malek 673 Pittwater Road, Dee Why

The Applicant Mr Goran Stojanovic 10 Cecil Street, Paddington

Item 5.10 DEVELOPMENT APPLICATION REPORT - 22 MINNEAPOLIS CRESCENT, MAROUBRA.

Drawing Nos. 04-1649A and 04-1649B dated Feb 04 and stamped received by Council on 2 March 2006 and Sheets 1-4 of the strata plans, surveyor's reference 19915 stamped received by Council on 2 March 2006, the application form and on any supporting information received with the application, except as may be amended by the information submitted to satisfy the deferred commencement conditions and except as amended by the following conditions and as may be shown in red on the attached plans:

- 2. A one-off monetary contribution of \$67,080.00 is to be paid to Council for the purposes of mitigating the proposed loss of low-cost rental accommodation. The contribution must be paid in cash or by bank cheque in **one complete payment prior to the Construction Certificate being issued**, and, in accordance with the concurrence requirements of the Department of Planning, the Council shall use the contribution solely for the purpose of developing affordable housing in the vicinity of the subject site.*
- 3. All residents of the building are to be given a minimum of ninety (90) days notice before being required to vacate the premises. A copy of such notice is to be submitted to Council at the same time that it is issued to the residents.*
- 4. A total of three (3) bicycle parking spaces are to be provided on site in a secure place that is accessible to residents and visitors of the building.*
- 5. Each resident of the building is to be provided with a one-off lump sum payment of \$500 to assist in the cost of relocating. Each payment is to be made within 7 days of the notice to vacate is issued in accordance with condition No.3.*
- 6. A fixed privacy screen having a minimum height of 1.8m and extending a minimum length of 1.5 metres is to be provided to the northern edges of balconies to Unit 4 and Unit 5 and the screen shall be constructed of timber. Details of compliance are to be provided in the construction certificate plans.*
- 7. A privacy screen having a height of 1.8m above the finished floor level of the roof terrace to the garage to the rear of the site is to be provided. The screen is to be fixed along the curved western edge of the terrace extending from the northern boundary of the site to the nosing of the first stair. The screen shall be constructed of timber.*

The 3.5 metre high timber screen shown at the eastern end of the northern elevation adjacent to the masonry wall of the garage is to be deleted in favour of continuation of the 1.8 metre high timber boundary fencing.

This condition is imposed to maintain privacy to the rear yard of the adjacent dwelling and minimise visual privacy impacts to this property. Details of compliance are to be provided in the construction certificate plans.

- 8. The property is to be treated to remove any vermin prior to the commencement of works. Documentation from a licensed pest controller is to be provided to the PCA indicating that the property has been treated prior to works commencing. This condition is imposed to protect the amenity of surrounding properties and future residents on the site.*
- 9. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*

10. *The garages shall not be let, adapted or used for separate occupation or commercial purposes*
11. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
12. *Power supply and telecommunications cabling to the development shall be underground.*
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 owners 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.*
19. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
20. *The enclosure of balconies is prohibited by this consent.*
21. *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.*
22. *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.*

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

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

- | | |
|--|-------------------|
| a) <i>for the provision or improvement of open space</i> | <i>\$5,374.16</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$2,325.04</i> |
| c) <i>Administration fee</i> | <i>\$ 425.00</i> |

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

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

24. *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.

25. *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.*

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

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

27. *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.*

28. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*

29. *A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development, is to be provided to the development in accordance with*

Council's Rainwater Tank Policy

The tank is to be located a minimum of 900mm from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate and landscape plans, to the satisfaction of the Certifying Authority.

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

The following conditions are imposed to maintain the integrity of the St Marks Heritage Conservation Area:

30. *Any sandstone kerbing to be removed shall be removed under the supervision of Council's Heritage Planner and the sandstone shall be stored in Council's care.*

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

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

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

32. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
33. *The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning & Assessment Regulation 2000 and a report prepared by a suitably qualified person or accredited certifier is to be submitted to and approved by Council's Manager of Environmental Health & Building Services, prior to the issuing of a construction certificate, in accordance with section 80A(2) of the Environmental Planning & Assessment Act 1979.*

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the Building Code of Australia, to protect persons using the building, and to facilitate their egress from the building in the event of fire and to restrict the spread of fire.

*The fire safety upgrading works are to be included in **the construction certificate** and be implemented prior to occupation of the new building or part.*

The fire safety report is specifically required to address the following provisions of the Building Code of Australia, as applicable:

- | | | | |
|----|----------------|---|--------------------------------------|
| a) | EP2.1 & EP2.2 | - | smoke hazard management |
| b) | EP4.1 & EP 4.2 | - | emergency lighting and exit signs |
| c) | BP1.1 | - | structural provisions |
| d) | CP1 | - | structural stability during a fire |
| e) | CP2 | - | elements to avoid the spread of fire |
| f) | DP1 to DP6 | - | access and egress |

34. *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.*
35. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
36. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
37. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

38. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in*

accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

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

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

40. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
41. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
42. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

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

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

43. *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.*
44. *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.

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

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

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

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

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

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

48. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

49. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*

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

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

Dust control measures and practices may include:

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*

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

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

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

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

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

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

52. *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.*

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

53. *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

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

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

55. *The following damage 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) \$2000.00 - Security damage deposit

The damage 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. 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.

56. *The following vehicular crossing 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 construct the vehicular crossing.*

a) \$5000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

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

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

- (a) *Construct concrete laybacks at kerb opposite the vehicular entrances to the site, including any associated roadworks.*
(b) *Re-construct a kerb and gutter for the full site frontage in Wood St including any associated roadworks.*

Reconstruct the Council footpath along the Wood St site frontage, if required. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

58. *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.*
59. *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.*
60. *The applicant is to dedicate a 1.00m x 1.00m splay at the south-east corner of the site. No structure is to be located within the dedicated splay corner.*

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

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

Wood St Frontage - match the back of the existing Council footpath.

Wood Lane Southern Side Frontage – match the existing asphalt road level.

Wood Lane Eastern Rear Frontage – match the centreline of the road at all points along the rear site frontage.

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

62. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
63. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,760.00 calculated at \$27.50 (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:

64. *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.

65. *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.*
66. *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.*
67. *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.

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

68. *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to a 5 metre square base infiltration area. An overflow pipe shall be provided from the silt arrester pit to drain to 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 is to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

Notes:

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

- i. within the site at or near the street boundary.*
- ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).*
- iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.*
- iv. with the pit floor being a minimum 300mm below the invert level of the outlet*

pipelines.

- v. *with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*

b. The infiltration/rubble pit shall:-

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

- 69. *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.*
- 70. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

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

- 71. *The garbage room areas will have to be designed so as to be able to contain a total of 8 x 240 litre bins (4 garbage bins & 4 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.*
- 72. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
- 73. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to*

meeting Council's requirements for waste services to the development site.

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

- 74. 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.*
- 75. The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.*
- 76. Prior to release of the Plan of Subdivision the applicant shall provide Council with a subdivider/developer certificate for the proposed lots. The certificate is obtained from Sydney Water.*
- 77. The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*

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

- 78. The landscaped areas shown on the plan numbers 04-1649, sheet 1 & 2, drawn by MG of Zenith Landscape Designs, dated February 2004, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority or {the Director of Assets & Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979}, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:
 - a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
 - b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.**

- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *The landscape plan shall show a minimum number of 3 x 45 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - h. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - i. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - j. *In order to reduce the amount of stormwater generated by the site, porous paving shall be used in all pathways and paved areas. Details are to be provided with the construction certificate application.*
 - k. *Location of easements within the site and upon adjacent sites (if any).*
79. *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.*
80. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

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

and relevant Australian Standards.

81. *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.

82. *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.*
83. *Approval is granted for the removal of the following tree subject to the planting of 3 x 45 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

a) One Persea americana (Avocado) in the rear yard, against the southern boundary

84. *The applicant shall be required to ensure the retention and long term health of the Eucalyptus nicholii (Willow Leafed Peppermint) and the Agonis flexuosa (Willow Myrtle) in the neighbouring property to the north, close to the common boundary. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*
85. *In order to accommodate the proposed rear deck and pergola as is shown on the plans, permission is granted for the selective pruning of branches from the Callistemon viminalis (Bottlebrush) and the tree (species undetermined) located along the northern boundary in the rear yard. 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.'*

The applicant will be required to provide details of a suitably qualified and professional Arborist to be used for such work prior to the issue of a construction certificate.

86. *In order to ensure the retention of the Callistemon viminalis (Bottlebrush) and the tree (species undetermined) located on along the northern boundary in the rear yard in good health, the following measures are to be undertaken:*
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunk.*

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

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

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

- d. *Any excavations required for footings, structures, retaining walls, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 2 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

- 87. *A refundable deposit in the form of cash or cheque for the amount of \$7000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

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

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

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

The applicant shall present the receipt at the Asset and Infrastructure Services counter

on the First Floor to organise for a further inspection to be undertaken.

ADVISINGS

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

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

- a) Part B1 - Structural provisions*
- c) Part E2 - Smoke Hazard Management*
- d) Part E4 - Emergency lighting, exit signs and warning systems*

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

- B** *Council liaise with the applicant who will engage a real estate agent to facilitate the finding of alternative accommodation for the current residents.*

MOTION: (Woodsmith/Matson) that Council, as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA-225/2004 for permission to make alterations & additions to the existing boarding house & change of use to a residential flat building comprising 7 x 2 bedroom dwellings, associated garaging and strata subdivision at 8-10 Wood Street, Randwick for the following reasons:-

1. The proposal will result in the loss of boarding house accommodation and contribute to the cumulative decline of low cost rental accommodation in the City of Randwick;
2. the proposal does not comply with the maximum FSR for the site stipulated under RLEP 1998 and the SEPP 1 objection is not well founded;
3. the proposal does not comply with the minimum landscaped area requirement of RLEP 1998 and the SEPP 1 objection is not well founded;
4. the proposal will adversely impact on adjoining and neighbouring properties in terms of visual and acoustic privacy;
5. the proposal does not comply with the DCP – Parking in terms of the number of on site spaces required; and

6. the proposal represents an overdevelopment of the site having regard to the statutory non-compliances in relation to floor space and landscaping and the inadequate provision of on site carparking. **LOST.**

MOTION: (Andrews/Nash) that Council, as the consent authority, grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA-225/2004 for permission to make alterations & additions to the existing boarding house & change of use to a residential flat building comprising 7 x 2 bedroom dwellings, associated garaging and strata subdivision at 8-10 Wood Street, Randwick, subject to the conditions outlined in the Director, City Planning's report.

AMENDMENT: (Matson/Hughes) CARRIED AND BECAME THE MOTION.

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

5.2 DIRECTOR, CITY PLANNING REPORT 31/2006 - 343-355 CLOVELLY ROAD, CLOVELLY. (DA/406/2005)

H36 **RESOLUTION: (Belleli/Nash) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended). "Deferred Commencement" to Development Application No DA/406/05 for Demolition of the existing building on the site and construction of a new three storey mixed use development comprising 5 x residential units, 4 x commercial tenancies and basement parking for 12 cars, strata subdivision at 343-355 Clovelly Road, Clovelly subject to the following conditions:-*

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

1. *The roof terrace and associated awnings and planter boxes are to be deleted from the plans and the roof over the eastern portion of the building made non-trafficable. The lift core is to have a maximum height of RL54.90. The stairs are to be reduced to a maximum parapet height of RL54.90. The parapet to the eastern portion of the roof is to be set at a maximum RL54.10.*
2. *The northern balcony to Unit 5 at second floor level, including the planter box is to be deleted and replaced with non-trafficable roof structure, so that the setback of the northern elevation of Unit 5 is 6 metres. The deletion is to include the northeastern corner of the eastern balcony. A parapet to a height of RL 50.64 may be provided along the northern and eastern edges of the building for consistency with the floors below. Any parapet is to be constructed in line with the northern wall of the first floor level (ie: minimum setback to northern boundary of 3.7 to 4.9 metres) and the eastern wall of the first floor level.*
3. *The north facing first floor terrace to bedroom 1 and 2 of Unit 3 is to be deleted in favour of non-trafficable roof or a continuation of the adjacent planter box. The north facing doors to bedrooms 1 and 2 are to be replaced with windows with a minimum sill height of 1.2 metres. Details of appropriate privacy screens, such as*

louvres, to be provided.

4. *A landscape plan reflecting the architectural plans for approval is to be provided indicating the landscaping proposed to the site including the species, size at installation and size at maturity. The plan is to be prepared by a qualified landscape architect.*
5. *The payment of additional development assessment fees of \$1,726.10 being for the shortfall between the detailed estimated cost of the works and the cost of works estimated at the time the application was lodged.*
6. *Prior to this consent becoming operational, the applicant shall obtain written consent from the owners of the adjoining property to the west (337-339 Clovelly Road) for removal of the tree located close to the common boundary. A copy of the written consent shall be submitted to Council.*

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

DEVELOPMENT CONSENT CONDITIONS

- B. *Subject to compliance with the deferred commencement condition, to the satisfaction of the Director of City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/406/05 for Demolition of the existing building on the site and construction of a new three storey mixed use development comprising 5 x residential units, 4 x commercial tenancies and basement parking for 12 cars, strata subdivision at 343-355 Clovelly Road, Clovelly subject to the following conditions:-*
 1. *The development must be implemented substantially in accordance with the plans drawn by Jim Demetriou Group numbered Job No. 2362-C and drawing numbers DA-03, DA-04 dated Jan 06 and stamped received by Council on 24 February 2006, and plans numbered Job No. 2362-B and drawing numbers DA-05 to DA-11, dated Jan 06 and stamped received by Council on 6 February 2006, the materials and sample board prepared by Jim Demetriou Group numbered Job No. 2362-C and sheet no. DA-14 dated Jan 06 and stamped received by Council on 24 February 2006, 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 the following conditions and as may be shown in red on the attached plans:*
 2. *A secure bicycle space is to be provided in the basement of the development. Details are to be provided with the Construction Certificate application.*
 3. *The plans submitted with the subdivision certificate application are to indicate 9 lots and common property allocations and are to reflect the approved plans as amended by the details submitted to satisfy the deferred commencement conditions.*
 4. *The carparking allocation is to be as follows:*

| <i>Tenancy</i> | <i>Parking Space</i> |
|---------------------------|--------------------------|
| <i>Shop 1</i> | <i>13</i> |
| <i>Shop 2</i> | <i>12</i> |
| <i>Shop 3</i> | <i>11</i> |
| <i>Shop 4</i> | <i>8</i> |
| <i>Residential Unit 1</i> | <i>10</i> |
| <i>Residential Unit 2</i> | <i>Stacked Space 1,2</i> |
| <i>Residential Unit 3</i> | <i>Stacked Space 3,4</i> |
| <i>Residential Unit 4</i> | <i>9</i> |
| <i>Residential Unit 5</i> | <i>Stacked Space 5,6</i> |

Note: Numbering above reflects the numbering on approved basement plan DA-03, dated Jan 06 and stamped received by Council on 24 February 2006

The parking allocation is to be reflected in the plans submitted for strata approval.

5. *The driveway crossing to Beach Street is to be a maximum of 3.5 metres in width. This condition is imposed to minimise interruption to the footpath, kerb and guttering and to clarify the plans. Details are to be provided with the Construction Certificate application.*

6. *A roller door or gate is to be provided to the carparking to maintain security to the carparking area. The roller door or gate is to be provided with remote access for residents and tenants to prevent queuing at the entry to the carpark.*

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

7. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*

Details of the proposed colour of the roof are to be submitted to and approved by the Director of City Planning, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the roofing being installed.

8. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*

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. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council*

14. *The applicant is to ensure the requirements of all relevant authorities and utilities are met in relation to provision of services to the development.*

15. *Power supply and telecommunications cabling to the development shall be underground.*

16. *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.*

17. *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.

18. *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.*

19. *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.*

20. *Adequate lighting is to be provided within the development for personal security and safety and to all common areas. Details are to be provided on the plans submitted with the Construction Certificate application.*

21. *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.*

22. *The installation of roller shutters or security grilles to the shopfront is not permitted, unless a specific development consent has been obtained from Council.*

23. *All signage and advertising must be in accordance with Council's Development Control Plan (DCP) for Outdoor Advertising and development consent must be*

obtained for all signage and advertising in accordance with Council's Local Environmental Plan 1998 (unless exempt from approval under Council's DCP for Exempt and Complying Development).

All advertising and signage must be written in English language or both English and relevant non-English language equally. The use of non-English language advertising only is not permissible.

24. *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.*
25. *Details of any proposed electricity power supply poles to be provided to service the development are to be submitted to and approved by Council's Director of Planning, prior to installation.*
26. *Solar hot water heaters, other than those shown on the approved plans 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.

27. *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.

28. *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.*
29. *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.*
30. *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 star

31. *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 in the basement or 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:

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

- | | |
|--|-------------------|
| a) <i>for the provision or improvement of open space</i> | <i>\$2,134.37</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$ 943.78</i> |

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

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

33. *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.

34. *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.*

35. ***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.*

36. ***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.

37. *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.

38. *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”.*

39. *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.

40. *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.

41. *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.*

42. *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.

43. *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:

44. *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.*
45. *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.

46. *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**.*

47. *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**.*

48. *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 details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.*

49. *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:

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

53. *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.

54. *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.*

55. *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.*

56. *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.*

57. *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.*

58. *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.

59. *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.*
60. *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.*
61. *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.
62. *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.*
63. *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.*
64. *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.

65. *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.*

66. *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.

67. 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.

68. 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.
69. 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.
70. 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.

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

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

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

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

72. *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 access and facilities for people with

disabilities and peoples safety in general:

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

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

74. *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).

75. *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.*

76. *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 report is to consider the potential for noise emissions and emissions from the car stacker and other plant and equipment servicing the development.*

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:

77. *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.*

78. *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.*

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

80. *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.

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

81. *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.*

Note: The driveway shall be 3.50 metres wide.

- b) *Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification.*

- c) *Reconstruct any damaged sections of kerb and gutter along both the Clovelly Road and Beach Street site frontages.*

- d) *Construct full width concrete footpath along both the Clovelly Road and*

Beach Street site frontages (except opposite the vehicular entrance).

82. *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.*
83. *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.*
84. *A stop sign and holding line shall be provided on the internal driveway adjacent to the property boundary in order to improve pedestrian safety.*
85. *The wall on the southern side of the internal driveway shall be splayed 1.2 metres by 1.2 metres at the property boundary.*

Note: The submitted plan DA04 received by Council 24 February 2006 demonstrates compliance with this requirement.

86. *A convex mirror, or similar, shall be installed within the site adjacent to the northern side of the driveway in order to improve sightlines to the south for exiting vehicles stopped inside the property boundary.*
87. *A convex mirror, or similar, shall be installed within the site adjacent to the southern side of the driveway in order to provide satisfactory sightlines to the north for exiting vehicles stopped inside the property boundary.*
88. *Prior to the issuing of a construction certificate, the applicant is to engage a suitably qualified traffic engineer to determine whether the proposed traffic signals are appropriate. Exiting vehicles must always give way to entering traffic to ensure that queuing in Beach Street does not occur. Details demonstrating how this requirement will be complied with (either through the operation of traffic signals or alternative means) shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

Note: Should the traffic engineer determine that traffic signals are not appropriate, they shall be deleted from the plans submitted for the construction certificate.

89. *The driveway opening at the Beach Street frontage and the internal driveway access must be minimum 3.50 metres wide at all points along the driveway. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

90. *A Works Zone is to be provided in the vicinity of the 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 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.

91. *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.*
92. *A 2 metre x 2 metre splay corner is to be provided at ground floor level at the intersection of Clovelly Road and Beach Street in order to improve pedestrian and vehicular sight distance.*

Note: The submitted plan DA04 received by Council 24 February 2006 demonstrates compliance with this requirement.

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

93. *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:*

Match the back of the existing footpath along the full site frontage in both Clovelly Road and Beach Street.

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

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

94. *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.*
95. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$2097 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:

96. *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.*
97. *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.*
98. *Prior to the issuing of a construction certificate, the applicant shall liaise directly with Telstra to determine whether the existing phone box in Beach Street will require relocation due to the proposed driveway location. The applicant shall meet the full cost for the relocation of the phone box (if required) prior to the construction of the driveway.*
99. *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.*
100. *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.*
101. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.*

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

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

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

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

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

102. ***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.*
103. *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.*
104. *All site stormwater must be discharged by gravity to the kerb and gutter in either*

Clovelly Road or Beach Street.

105. *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 10 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.

106. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
107. *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 car parks or in any area which may be used for storage of goods.

Mulch/bark must not be used in onsite detention areas

108. *Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.*
109. *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).

110. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
111. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
112. *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.

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

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.

114. *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).*
115. *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.*
116. *Should groundwater be encountered within the depth of the basement carpark, 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).*

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

117. *The residential waste storage area shall be sized to contain a total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins.*
118. *The commercial waste storage area shall be sized to contain a total of 8 x 240 litre bin (4 garbage bins & 4 recycling bins) whilst providing satisfactory access to these bins.*

119. *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.*
120. *The waste storage areas shall be clearly signposted.*
121. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

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

122. *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:

- 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. *The subdivision plans shall indicate the location and dimensions of the detention/infiltration areas.*
123. *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.*
 124. *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.*
 125. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

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

126. *Landscaping at the site shall be installed substantially in accordance with landscape plan prepared by Ray HK of Fuggle & Associates, Landscape Architects, drawing number L01, project number 1394a, issue A, dated 28/02/05*

and stamped received at Council on 26th May 2005, and the details submitted with to satisfy the deferred commencement conditions, subject to the following additional requirements being shown on an amended plan, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:

- a. Continuation of the raised planter along the length of the western edge of the proposed ground floor Unit 2.*
 - b. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - c. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm.*
- 127. 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.*
- 128. 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.*
- 129. Approval is granted for the removal of the following trees subject to implementation of the landscape plan submitted by HK of Ray Fuggle & Associates, Landscape Architects, drawing number L01, project number 1394a, issue A, dated 28/02/05 and stamped received at Council on 26th May 2005.*
- (a) One Eucalyptus species (Gum Tree) near the northwest corner.*
 - (b) One Acacia elata (Sydney Green Wattle) in the northwest corner.*
- 130. The tree located within the adjoining property to the west (337-339 Clovelly Road) close to the common boundary, shall be removed prior to the commence of works on the site in accordance with the written consent obtained to satisfy the deferred commencement condition.*
- 131. A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$2,500.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*

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

ADVISORY MATTERS:

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

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

- a) Part B1 - Structural provisions
- b) Part C - Fire resistance and stability
- c) Part C2 - Compartmentation and separation
- d) Part C3 - Protection of openings
- e) Clause C3.2&C3.4 - Protection of openings in external walls
- f) Part E1 - Fire fighting equipment
- g) Part E2 - Smoke Hazard Management
- h) Part E4 - Emergency lighting, exit signs & warning systems
- i) Part F1 - Damp and weatherproofing
- j) Part F5 - Sound Transmission and Insulation

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

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

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

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

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

5.3 DEVELOPMENT APPLICATION REPORT - 820A-824 ANZAC PARADE AND 5 ALMA ROAD, MAROUBRA. (DA/0795/1999)

- H37 **RESOLUTION:** (Nash/Andrews) that:

- A. Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 795/1999 on property 820A-824 Anzac Parade and 5 Alma Road, Maroubra in the following manner:

Amend Conditions 1 and 85 as follows:

1. *The development shall be implemented substantially in accordance with the details set out on the plans numbered DA.08, DA.09, DA.10, DA.11A, DA.12A, DA.13, DA.14, DA.15A, DA.16A, DA.17A, DA.18 and DA.19, and stamp-dated on 15 July 1999, and amended plans numbered DA.05A, DA.06A and DA.07A, and stamp-dated 21 September 1999, and DA.02B, DA.03B and DA.04B, and stamp-dated 18 October 1999, and amended plans numbered DA.07B, DA.08A, DA.09A, DA.10A, DA.11B, DA.12B, dated and received by Council on 16 December 1999, and amended by the plan stamped "Randwick City Council" received 9 March 2000, and the plans numbered DA.05B, DA.06B, DA.07B, DA.08A, DA.09A, DA.10A, DA.11B, and DA.12B stamped received on 17 April 2000, and amended plans numbered CC04 to CC07 and CC14 to CC19 all dated 14-07-2004 and received by Council on 16 July 2004, and amended plans numbered CC04 to CC20, Issue G, dated 3 August 2005, and stamped received by Council on 4 August 2005, and CO01 to CO04, Issue G, dated 3 August 2005, and stamped received by Council on 4 August 2005, and the Concept Landscape Plan dated 3 August 2005 and stamped received by Council on 4 August 2005, and on the application form and on any supporting information received with the application, except as may be amended by the s96 plans drawn by idraft plans pty ltd, numbered Issue I of drawing numbers CC06, CC07, CC08 and CC18 dated 27/02/06 in the amendments box and stamped received by Council on 3 March 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:*

85. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council for the provision of carparking in lieu of on site provision of \$44,500.00. The contribution must be paid in cash or by bank cheque **prior to a subdivision certificate being issued** for the proposed development. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

Delete Condition 86

Add Condition 88 as follows:

88. *As a minimum, allocation of parking within the development is to be as follows:*

Residential: 48 spaces

Residential Visitors: 9 spaces

Commercial: 21 spaces

This allocation is to be reflected in the Construction Certificate and Strata Subdivision plans and does not include provision for loading which is to be allocated one space. This condition

is imposed to clarify the parking provided and ensure maximum compliance with the DCP – Parking.

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

5.4 DEVELOPMENT APPLICATION REPORT - 80 MIDDLE STREET AND 133 BOTANY STREET, RANDWICK. (D/0568/2005)

Cr Nash left the chamber during consideration of this item and took no part in the debate and voting thereon.

H38 **RESOLUTION: (Hughes/Belleli)** *that this matter be deferred to the next ordinary council meeting to allow council to seek legal advice and for a report and other relevant documentation to come back to council to allow councillors to consider the issue of existing use rights with respect to this application.*

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

5.5 DEVELOPMENT APPLICATION REPORT - 7 WILD STREET MAROUBRA. (DA/662/2004)

H39 **RESOLUTION: (His Worship the Mayor, Cr T. Seng/Woodsmith)** *that this matter be deferred to the next Ordinary Council meeting to allow the applicant to amend his section 96 application.*

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

5.6 DEVELOPMENT APPLICATION REPORT - 48-58 MAROUBRA ROAD (LOTS 1 & 2 DP 962347) MAROUBRA. (DA 754/2005)

H40 **RESOLUTION: (His Worship the Mayor, Cr T. Seng/Andrews)** *that:*

- A. *THAT Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 754/2005 for partial demolition, alterations and additions to the existing building and the change of use from a motor showroom and workshop to a retail liquor outlet at 48-58 Maroubra Road, Maroubra for the following reasons:-*
1. *The proposed development is inconsistent with the aims and objectives of the Randwick Local Environmental Plan 1998 ("the Randwick LEP").*
 2. *The proposal will be a more intensive use than the existing uses on the subject site and result in adverse impacts on the amenity of the surrounding residential area including noise, safety, lighting and glare.*
 3. *The proposed acoustic fence will be visually bulky and intrusive and therefore will adversely affect the visual amenity of the locality and be overbearing when viewed from the adjoining residential property.*

4. *The proposed development does not provide adequate and satisfactory landscaping to soften the visual impact of the development.*
5. *The signage for the proposed development will compromise the visual amenity of the surrounding residential area.*
6. *The proposed development will result in an increase in vehicular traffic in surrounding streets, in particular heavy vehicular traffic in Glanfield and Royal Street, which is considered unreasonable and unacceptable because the amenity of residents living on these streets will suffer as a result of the high and increased frequency of vehicular movements in and out of the site, and its attendant impacts including safety, noise and fumes.*
7. *The proposal provides insufficient carparking on site adequate for staff and customer parking.*
8. *The proposed development will adversely affect the character and amenity of adjoining and surrounding properties and the locality in terms of increased traffic, noise, lighting and glare, safety and security, signs and hours of operation.*
9. *The proposed development is not in the public interest.*

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

5.7 DEVELOPMENT APPLICATION REPORT - 41 TUNSTALL AVENUE, KINGSFORD. (DA/1002/2005)

H41 **RESOLUTION: (Procopiadis/Bastic)** *that this matter be deferred to the next ordinary council meeting for clarification of the relevant fence heights and for mediation between the applicant and objector.*

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

5.8 DEVELOPMENT APPLICATION REPORT - 38 WENTWORTH STREET RANDWICK. (DA/146/2006)

H42 **RESOLUTION: (Tracey/Woodsmith)** *that:*

- A. *Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/146/2006 for construct a shade cloth on an existing tennis court fence at 38 Wentworth Street Randwick for the following reasons:-*
 1. *the approval of the shade cloth would be in effect an approval for a five (5) to six (6) metre fence to the side and rear boundaries and as such does not comply with council's DCP;*
 2. *the proposal would be visually intrusive to the neighbours;*
 3. *the proposal would detract from the heritage appeal of the district; and*

4. *the proposal would detract from the amenity of the neighbouring dwellings.*

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

5.9 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE. (D/114/2004/A)

H43 **RESOLUTION: (Matson/His Worship the Mayor, Cr T. Seng) that:**

A. *Council as the responsible authority refuse its consent under Section 96 (2) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Application No. 114/2004 by way of extending the basement carpark, reinstating the roof over the east facing bedroom balconies, the addition of a spa to the swimming pool and the provision of new skylights, fireplace and flue at 351 Rainbow Street, South Coogee for the following reasons:-*

1. *The proposed development will have an intrusive impact on the view from adjoining properties.*
2. *The proposal will result in intrusive noise impacts from the swimming pool spa.*
3. *The proposal will result in an unacceptable increase in floor space of the building.*

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

5.10 DEVELOPMENT APPLICATION REPORT - 22 MINNEAPOLIS CRESCENT, MAROUBRA. (DA 1176/2003)

Cr Belleli left the chamber during discussion of this item and took no part in the debate of and voting thereon.

H44 **RESOLUTION: (Nash/Andrews) that Council, as the consent authority, grant its consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) to vary conditions of Development Consent No.1176/03 for permission to demolition of the existing dwelling house and associated structures and construct a new two storey multi unit housing development containing four townhouses and basement parking for eight vehicles for 22 Minneapolis Crescent, Maroubra, as follows: -**

Condition No.1 is altered to read as follows:

1. *The development must be implemented substantially in accordance with the plans numbered Job 0387 Plan A01 through to A05 dated 25/3/04 and submitted 23/4/04 and A05 and 06 dated 25/3/04 and submitted 20/05/04, the application form and on any supporting information received with the application, as amended by:*
 - *the Section 96 'A' plans numbered Sheet 1C through to 8C of job number 0387 dated 23 August 2005, and*
 - *the Section 96 'B' plans numbered 1A to 8A, dated 6 February 2006 and received by Council on 8 March 2006,*

only in so far as they relate to the modifications highlighted on those Section 96 plans and detailed in the Section 96 applications, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Condition No.132 is inserted as follows:

132. *To prevent overlooking of the rear yard areas of adjoining properties, the first floor windows on the northern elevation shall have minimum sill heights of 1.6 metres above floor level. Alternatively, any part of the glazing in those windows that is less than 1.6 metres above the floor level shall be fixed and translucent/obscure.*

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

5.11 DEVELOPMENT APPLICATION REPORT - 145-149S FRANKLIN STREET, MATRAVILLE. (639/2005)

H45 **RESOLUTION: (Belleli/White) that:**

- A. *Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 639/2005 to Construct and operate telecommunications facility consisting of 22m high monopole supporting 1 cluster mount antenna, 2 equipment shelters (single storey) within a fenced compound on existing substation site. at 145-149S Franklin Street, MATRAVILLE for the following reasons:-*
1. *the proposed development fails to comply with the general objectives of the Randwick Local Environmental Plan 1998 in that the development will adversely affect the appearance and amenity of the streetscape;*
 2. *the height, scale and visual appearance of the proposal is considered to be out of character and inconsistent with the nature of the streetscape and immediate locality;*
 3. *the proposal does not comply with the provisions of Section 79 (1b) of the Environmental Planning & Assessment Act, as amended, in that the height and scale of the development will have an adverse impact on the scenic qualities and features of the landscape; and*
 4. *pursuant to Section 79 (1e) of the Environmental Planning & Assessment Act, as amended, the proposed development is not in the public interest.*

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

5.12 DEVELOPMENT APPLICATION REPORT - 101 BILGA CRESCENT, MALABAR. (DA/1001/2005)

H46 **RESOLUTION: (Nash/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 1001/2005 for Alterations to extend garage to the front with deck and pergola above and new rear extension to create a new rumpus room and extend first floor balcony over. at 101 Bilga Crescent, MALABAR subject to the*

following conditions:

1. *The development must be implemented substantially in accordance with the amended plans numbered RL 051025 sheet nos. 1 to 4, dated 8/11/2005 and received by Council on 6 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:*

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

2. *The colours, materials and finishes of the external surfaces to the proposed building works are to be compatible with the existing building and 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. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
4. *The design, materials and colour of the roofing to the proposed building works are required to match, as closely as possible, the existing roof.*
5. *The proposed privacy screens to the front and rear balconies are to have a minimum height of 1.8 metres from the finished floor level of the balconies. The screens are to be constructed in either horizontal timber slats with 10mm spacing in-between or fixed timber/aluminium louvres set at 45 degrees to the vertical or horizontal supports and angled to prevent overlooking or alternatively, the privacy screens are to be provided with translucent/obscure glazing. This condition is imposed to minimise overlooking to the adjoining dwellings and to ensure that the privacy screens are sympathetic to the foreshore area. Details of compliance are to be provided in the construction certificate plans.*
6. *The deck is to be reduced to a width of 3.5 metres with a 1.8 metre privacy screen with frosted/obscure glazing the full length of the western side and a 1.8 metre privacy screen tapered off at 1 metre height to a 45 degree angle at the eastern side. (see stamped approved plans.)*
7. *The external stairs from the first floor deck to the rear yard shall be deleted. The construction certificate plans shall be amended accordingly to reflect this prior to their approval.*

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

8. *New external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building*

membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.

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

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

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

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

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

10. *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:

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

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

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

- i) *appoint a Principal Certifying Authority for the building work; and*
- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
- iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) *give at least two days notice to the Council, in writing, of the 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.

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

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

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

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

16. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be*

contacted outside working hours, or owner-builder permit details (as applicable);

- *name, address and telephone number of the Principal Certifying Authority; and*
- *a statement stating that “unauthorised entry to the work site is prohibited”.*

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

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.

18. ***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.

19. *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.*

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

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

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

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

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

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

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

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

22. *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.*
23. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
24. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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

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

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

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.

26. *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.*

27. *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.

28. *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.*

29. *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.*

30. *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.*

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

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

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

ADVISORY MATTERS:

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

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

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

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

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

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

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

5.13 DEVELOPMENT APPLICATION REPORT - 54 MAROUBRA ROAD AND 59-63 ROYAL STREET, MAROUBRA. (/0001/2006)

- H47 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng/Andrews) that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.*

D/001/2006 to demolish the existing buildings and construct a McDonalds restaurant, associated carparking and landscaped works with trading hours 6am-midnight, 7 days a week at 54 Maroubra Road and 59-63 Royal Street, Maroubra for the following reasons:-

- 1. The proposed development is inconsistent with the Aims and the Objectives of the Randwick Local Environmental Plan 1998 ("the Randwick LEP").*
- 2. The proposal will be a more intensive use than the existing uses on the subject site and result in adverse impacts on the amenity of the surrounding residential area.*
- 3. The proposed built form, scale and design is unsuitable for the site given the proximity and character of existing residential development in the locality and is not consistent with the desired future character of development in the locality given it exceeds the height controls and falls substantially short of the landscape control.*
- 4. The proposed restaurant building and associated acoustic fence will be visually bulky and intrusive and therefore will adversely affect the visual amenity of the locality and be overbearing when viewed from surrounding streets and residential properties.*
- 5. The proposed development does not provide adequate and satisfactory landscaping to soften the visual impact of the development.*
- 6. The signage for the proposed development will compromise the visual amenity of the surrounding residential area.*
- 7. The proposed development will result in an increase in vehicular traffic in local streets, in particular Royal Street, which is considered unreasonable and unacceptable because the amenity of residents living on this street will suffer as a result of the high and increased frequency of vehicular movements in and out of the site, and its attendant impacts including noise, fumes and light spillage (at night).*
- 8. The proposed development does not provide adequate prevention and management measures to address the threat to the security, safety and amenity of surrounding and nearby residents, and the general public, arising from people loitering and congregating outside the proposed restaurant at late night opening hours.*
- 9. Details of odour emission controls have not been submitted with the development application to meet appropriate odour control criteria and demonstrate that the use and operation of the premises will be managed to prevent odours drifting across boundaries to adjoining properties.*
- 10. The Acoustic Report submitted with the application is deficient in that it has not adequately considered the transient and intermittent nature of outdoor dining (including unruly/anti-social behaviour arising from patrons congregating and remaining on-site) and the operation of the carpark*
- 11. The proposed development will adversely affect the character and amenity of adjoining and surrounding properties and the locality in terms of increased traffic, noise, odour, lighting and glare, safety and security, and hours of operation.*
- 12. The proposed development is not in the public interest.*

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

5.14 DIRECTOR, CITY PLANNING REPORT 34/2006 - 6 HAIG STREET, MAROUBRA. (DA/1123/2004)

H48 **RESOLUTION:** *(Nash/Andrews) that:*

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1123/2004 for the alterations and first floor additions to the existing semi-detached dwelling at 6 Haig Street, Maroubra subject to the following conditions:-*

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

1. *The development must be implemented substantially in accordance with the amended plans numbered 04.199A Sheet 1 to 04.199A Sheet 3, dated December 2004 and received by Council on 4 April 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 are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

3. *The design, materials and colour of the roofing to the proposed first floor addition are required to match, as closely as possible, the existing roof.*
4. *There must be no encroachment of the structures including eaves, gutters, hoods and similar structures or attachments 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.*

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

5. *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.*

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

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

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

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

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

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

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

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

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

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.

10. *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.*

11. ***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.***

12. ***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.

13. *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.

14. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
 - *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be*

contacted outside working hours, or owner-builder permit details (as applicable);

- *name, address and telephone number of the Principal Certifying Authority; and*
- *a statement stating that “unauthorised entry to the work site is prohibited”.*

15. *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.

16. ***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.

17. *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.*

18. *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.

19. *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:

20. *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.

21. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
22. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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.

23. *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.

24. *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.*
25. *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.

26. *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.*

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.

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

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.

28. *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.

29. *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.*
30. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*
 - *Install or erect any site fencing, hoardings or site structures*
 - *Operate a crane or hoist goods or materials over a footpath or road*
 - *Placement of a waste skip (grater than 3m in length) or any container or other article.*

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

31. *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 have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:

32. *The applicant must meet the full cost for Council or a Council approved contractor to install vehicular crossings and to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
33. *A Road Opening Permit must be obtained from Council's City Services Department prior to opening-up or carrying out any proposed works within the road, footpath, nature strip or other public place and all works including repairs are to be carried out to Council's satisfaction.*

ADVISORY MATTERS:

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

Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.

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

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

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

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

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

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

6. MISCELLANEOUS.

6.1 DIRECTOR, CITY PLANNING REPORT 35/2006 - GAZETTAL OF THE STANDARD INSTRUMENT (LOCAL ENVIRONMENTAL PLANS) ORDER 2006, KNOWN AS THE STANDARD LEP TEMPLATE (F2005/00275)

H49 **RESOLUTION:** *(Nash/Andrews) that Council receive and note the information regarding the gazettal of the Standard LEP Template and the Environmental Planning and Assessment Amendment (Existing Uses) Regulation 2006.*

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

6.2 DIRECTOR, CITY PLANNING REPORT 36/2006 - RANDWICK CITY COUNCIL'S SECOND ECOLIVING FAIR FOR WORLD ENVIRONMENT DAY 2006. (F2004/08357)

H50 **RESOLUTION:** *(Matson/Nash) that the report be received and noted.*

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

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 10.25 p.m.

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CHAIRPERSON