

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 13TH JUNE 2006 AT 6:56PM.**

PRESENT:

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

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

North Ward	-	Crs P. Tracey & M. Woodsmith
South Ward	-	Cr R. Belleli
East Ward	-	Crs M. Matson & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic

OFFICERS PRESENT:

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

The meeting was adjourned at 6.57pm and was resumed at 7.20pm.

1. APOLOGIES.

Cr Bastic apologised to council for any offence he may have caused to other councillors by certain comments he made at the previous council meeting.

Apologies were received from Crs Daley and White.

RESOLVED: (His Worship the Mayor, Cr. T. Seng/Matson) that the apologies from Crs Daley and White for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 13th June, 2006 be received & accepted.

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, 9TH MAY, 2006.

H51 **RESOLUTION:** *(Belleli/Andrews)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 9th May 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to it being noted that the non-pecuniary interest declared by Cr Nash was for 80 Middle Street and 133 Botany Street, Randwick and not the Clovelly Road address that appeared in the minutes.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

4. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

Item 5.1 Director, City Planning Report 45/2006 - 45 Market Street, Randwick.

The Applicant Ms Genevieve Lilley PO Box 348 Paddington.

Item 5.4 Development Application Report - 30 Kingsford Street, Maroubra.

The Applicant Ms Amy Ku 30 Kingsford Street, Maroubra.

Item 5.5 Development Application Report - 7 Kyogle Street, Maroubra.

The Objector Mr Mark Cashion 9 Kyogle Street, Maroubra.

The Applicant Mr Peter Liranzis 66 Torrington Road, Maroubra.

The meeting was adjourned at 7.27pm. and was resumed at 7.46pm.

5. DEVELOPMENT APPLICATIONS.

5.1 DIRECTOR, CITY PLANNING REPORT 45/2006 - 45 MARKET STREET, RANDWICK. (DEFERRED) (DA/779/2005)

H51 **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.779/2005 for change of use from multi-unit housing to a dwelling house, demolition of the rear garage and construct a new rear single storey garage and studio with high clerestory roof and alterations and additions including new rear extension with first floor deck and new front fence with driveway gate at 45 Market Street, Randwick subject to the following conditions:-

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

1. The development must be implemented substantially in accordance with the plans numbered DA05E, DA06D, DA09C, DA12C and DA13C dated 27 April 2006 and received by Council on 2 May 2006, and DA10B dated 10 January 2006 and received by Council on 17 February 2006, the application form and on any supporting information received with the application, except as may be amended by the details approved pursuant to the deferred commencement condition and the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.
3. The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.
4. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.
5. There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.
6. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
7. The fence on the street alignment is to be a maximum height of 1.8m and be designed so that the upper two thirds of the fence is at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. Details of compliance are to be provided in the construction certificate plans.
8. The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.

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

9. 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.

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

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

11. 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:

12. 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.

13. 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:

14. 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.

15. 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.

16. **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.

17. **Prior to the commencement of any building works**, the person having the benefit of the development consent must: -

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

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

18. 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.

19. 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”.

20. 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.

21. **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.

22. 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.

23. 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.

24. 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:

25. 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.
26. 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.
27. 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.

28. 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.

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

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

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

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

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

32. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

33. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing
34. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

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

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.

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

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

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

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

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

36. 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.
37. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

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

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

38. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:

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

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

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

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

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

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

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

40. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
41. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
42. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.

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

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

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

44. Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:
 - (a) reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site;
 - (b) reconstruct any damaged sections of the concrete footpath along the full site frontage (Any unpaved areas on the nature strip must be turfed and landscaped to Council’s specification); and
 - (c) reconstruct any damaged sections of the kerb and gutter along the full site frontage.
45. 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.

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

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

47. 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.

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.

48. 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.
49. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

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

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

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

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

Certificate.

Tree Management

52. Approval is granted for the removal of the following trees subject to the planting of 3 x 25 litre (pot size) broad canopied replacement trees (not palms) suitably located in the rear yard of the site. The species selected shall be those which will attain a minimum height of between 4-7 metres at maturity.
- (a) One *Syagrus romanzoffianum* (Cocos Palm) hard up against the northwest corner of the existing dwelling,
 - (b) One *Phoenix canariensis* (Canary Island Date Palm) in the rear yard, along the eastern boundary,
 - (c) One *Archontophoenix cunninghamiana* (Bangalow Palm) near the centre of the rear yard.

Tree Protection Measures

53. In order to ensure the retention of the *Corymbia maculata* (Spotted Gum) in the rear yard, along the northern boundary in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any stormwater or drainage works within a radius of 3.50 metres from the outside edge of its trunk.
 - c. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show that any section of driveway which passes within a distance of 3.50 metres from the outside edge of the trunk of the *Corymbia maculata* (Spotted Gum) shall be constructed using a porous/permeable material in order to maintain sufficient air and moisture exchange to the rootzone. Details demonstrating compliance with this condition shall be shown on the plans submitted for the construction certificate, to the satisfaction of the certifying authority.
 - d. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which is to be located a minimum distance of 2.5 metres off the western, southern and eastern sides of its trunk to completely enclose the tree.

This fencing shall include signage which clearly displays the wording: "TREE PROTECTION ZONE", "DO NOT ENTER", and is to be installed prior to the

commencement of demolition and construction works and shall remain in place until all works (excluding works associated with the permeable driveway within the tree protection zone) are completed.

- e. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.
- f. Any excavations required for footings, structures, paving etc within 4 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with any roots needing to be cut to be done using hand held pruning tools, with the area to be backfilled as soon as practically possible.
- g. The installation of either Eucalyptus leaf mulch or woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point d.

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

- 54. The consolidation of the separate lots into a single lot must take place, prior to the use or the occupation of the development. Details of the consolidation of lots are to be provided to Council prior to **occupation** of the development.
Advisory Conditions

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

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

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

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

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

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

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

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

5.2 DEVELOPMENT APPLICATION REPORT - 118-120 MOUNT STREET, COOGEE. (DA/945/2005)

H52 **RESOLUTION: (Woodsmith/Bastic) that:**

- A. Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with 31(2), 32(1), 33(2) and 33(4) of the Randwick Local Environmental Plan 1998 (as amended) relating to Landscaped Area, Floor Space Ratio, Overall Height and External Wall Height, on the grounds that the proposed development is consistent with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the department of Planning be advised accordingly.

AND

- B. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/945/2005 for Demolition of existing buildings on the site and construction of new 4 storey multi-unit housing development containing 10 dwellings and basement carparking for 15 vehicles at 118-120 Mount Street, Coogee subject to the following conditions:-
1. The development must be implemented substantially in accordance with the plans drawn by Koopman Architects numbered Issue E of DA00 and DA03 and Issue F of DA01, DA02 and DA04, dated 23.03.06 and stamped received by Council on 6 April 2006, and Issue E of DA05 dated 28.03.06 and stamped received by Council on 6 April 2006 and drawings numbered Issue D of DA06 to DA10 dated March 2005 and stamped received by Council on 14 November 2005, and the Landscape Plan drawn by Terragram Pty Ltd, Revision C of drawing number L01 dated 29.9.2005 and stamped received by Council on 14 November 2005, the sample board prepared by Koopman Architects numbered Revision A of SP05 stamped received by Council on 14 November 2005 and the associated A4 sized coloured elevations showing colours and finishes numbered DA06 and DA07 dated March 2005 and stamped received by Council on 6 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 louvres to the western elevation are to be fixed in position as indicated in drawing DA10. Details are to be provided on the plans submitted with the Construction Certificate application.
 3. The balustrading to the north facing terrace on Level 3 is to be setback 6.5 metres from the northern boundary, starting at the western edge of the terrace for a distance 6.5 metres eastwards. The area of the terrace isolated by this change is to be made non-trafficable. Details required by this condition are to be included on the plans

submitted with the Construction Certificate application. This condition is imposed to minimise overlooking of adjoining properties.

4. The hedging proposed to the western boundary is to be maintained at a maximum height of 1.0m above finished ground level (including approved driveway levels) on the subject site. If required, the height of the hedging may be increased to 1.2 metres in places to accommodate staggering of the hedge in response to sloping ground levels. Details are to be provided on the plans submitted with the Construction Certificate application. This condition is imposed to maintain safe boundary fencing whilst minimising the amenity impact of fencing on the adjoining property to the west.
5. A deciduous tree with a minimum mature height of 8 metres and an appropriate species to provide visual screening is to be provided in the northern courtyard of Unit 3. The tree is to be located in front of the proposed balconies to bedrooms on the northern elevation of the development. This is to be achieved by reducing the basement waste storage area by increasing the setback from the northern boundary to 3.0m for an additional 2.5 metres from the eastern end of the waste storage area. Details of the tree planting and basement changes to provide the increased deep soil area are to be included in the plans submitted with the Construction Certificate application. This condition is imposed to minimise the potential for overlooking of adjoining properties.
6. The requirements of the BASIX certificate with regard to common area lighting to the lift car and all other internal common areas (i.e: that compact fluorescent lighting fitted with appropriate lighting efficiency measures) are to be indicated on the Construction Certificate plans and are to be provided in the completed development. This condition is imposed to ensure the proposal meets the BASIX commitments indicated in the submitted 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.
8. There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.
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. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
11. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
12. 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.
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. The applicant is to ensure that the development meets the requirements of relevant authorities such as Australia Post and Energy Australia to ensure adequate facilities and utilities are provided to residents.
15. 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.

16. 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.
17. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
18. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.

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

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

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

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

21. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate

documentation (as applicable), to the satisfaction of the Certifying Authority:

- Stormwater management (i.e. rainwater tanks)
- Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
- Landscaping provisions
- Thermal comfort (i.e. construction materials, glazing and insulation)
- Energy efficiency (i.e. cooling & heating provisions and hot water systems)

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

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

The following 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) for the provision or improvement of open space \$2,731.99
- b) for the provision or improvement of community facilities \$1,208.06

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 maintain reasonable levels of environmental amenity and public health safety.

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

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

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

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

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

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

27. 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.
28. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

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

29. 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.
30. The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.**

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

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

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

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

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.

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

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

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

The *principal contractor* or *owner-builder* (as applicable) must ensure that the required critical stage and other inspections, as specified in the *Principal Certifying Authority's* "Notice of Critical Stage Inspections", are carried out to the satisfaction of

the *Principal Certifying Authority* and at least 48 hours notice (excluding weekends and public holidays) is to be given to the *Principal Certifying Authority*, to carry out the required inspection, before carrying out any further works.

36. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that “unauthorised entry to the work site is prohibited”.
37. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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.

38. 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.

39. 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.

40. 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:

41. 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.

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

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

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

43. 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**.

44. 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, verandas, 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**.

45. The installation of ground or rock anchors underneath any adjoining premises

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

46. 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:

47. 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.
48. 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.
49. 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.

50. 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.

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. 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.

58. 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.
59. 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.
60. 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.

61. 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.
3. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

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

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

62. 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.

63. 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.
64. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

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

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

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

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

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

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

65. 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 adequate security against damage to Council's infrastructure:

66. 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:

67. The applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Dudley Street;
 - b) Remove all redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification;
 - c) Reconstruct any damaged sections of kerb and gutter along both the Mount Street and Dudley Street site frontages (including associated roadworks);
 - d) Reconstruct the concrete footpath along both the Mount Street and Dudley Street site frontages. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - e) Extend Council's stormwater pipeline in Dudley Street up to the western site boundary and construct a new kerb inlet pit.

Note: The new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD7a.

68. 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.
69. 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.

70. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
71. The driveway opening at the Dudley Street frontage must be minimum 5.50 metres wide and located at least 1.5 metres clear of the side property.
72. The internal driveway must be a minimum of 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.
73. Public access to the visitor's car parking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the car park, together with appropriate signage providing instructions for use. An intercom system is also to be provided at the shared pedestrian entry points at ground floor level to allow visitors to communicate with residents and maintain safe and secure access.
74. Bicycle parking for ten (10) bicycles shall be provided within the basement area of the proposed development.
75. A Works Zone is to be provided in either Dudley Street or Mount Street 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.

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

76. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must:

Match the back of the existing footpath along the full site frontages in both Mount Street and Dudley 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.

77. 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.
78. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$2406 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:

79. 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.
80. 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.
81. 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.
82. 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.
83. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
84. All power supply and telecommunications cabling to the development shall be underground.
85. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website

www.sydneywater.com.au then refer to “Water Servicing Coordinator” under Developing Your Land” or telephone 13 20 92 for assistance.

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

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

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

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

86. The floor level of all habitable and storage areas (excluding the basement carpark) shall be at a minimum RL of 55.84 (AHD).

Note: The submitted Ground Floor Plan DA02 Rev F demonstrates compliance with this requirement.

87. The proposed internal driveway (and the proposed staircase from the basement carpark to the ground floor) must be designed with a high point at a minimum RL of 55.69 (AHD).

Note: The submitted Ground Floor Plan DA02 Rev F demonstrates compliance with this requirement.

88. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located above RL 55.84 (AHD).

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

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

90. 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.
91. 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.
92. All site stormwater must be discharged to the underground drainage system in Dudley Street, via a new kerb inlet pit and extension of the existing stormwater pipeline in Dudley Street to the western site boundary.
- Note: The new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD7a.
93. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.

94. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
95. A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).
96. All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, inspect the site and certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by Council prior to the issuing of a construction certificate.
97. 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.

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

Notes:

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

Mulch/bark must not be used in onsite detention areas

100. Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
101. 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).

102. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
103. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
104. A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from the Council drainage system does not surcharge back into the site stormwater system.
105. 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.

106. A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging to the street drainage system. The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-

The base of the pit located a minimum 300mm under the invert level of the outlet pipe.

The pit constructed from cast in-situ concrete, precast concrete or double brick.

A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS

multipurpose filter screen or equivalent).

The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.

A child proof and corrosion resistant fastening system provided for the access grate.

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.

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

Notes:

- a. The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Development Engineer.
 - b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.
108. One covered car washing bay shall be provided for this development.
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.
 - b) The car washing bay must be located outside any required/approved stormwater detention system.
 - c) The car washing bay must be signposted with *‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay.
109. 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);
 - f) Details of any infiltration/absorption systems; and
 - g) Details of any pumping systems installed (including wet well volumes).
110. 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.
111. Should groundwater/seepage water be encountered within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

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:

112. The waste storage area shall be sized to contain a total of 10 x 240 litre bins (5 garbage bins & 5 recycle bins) whilst providing satisfactory access to these bins.
113. 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.
114. The waste storage areas shall be clearly signposted.
115. 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 provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

116. The landscape plan submitted by TerraGram Pty Ltd, drawing number L01, revision C, dated 29.09.2005 and stamped received at Council on 14th November 2005, is deemed unsatisfactory, and will need to be amended to include the following additional requirements, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:
- a. Existing trees within the property and on Council's nature strip shall be clearly identified as being retained or removed, with proposed finished ground levels shown as spot levels throughout the site.
 - b. Reduction in the amount of *Corymbia maculata* (Spotted Gums) proposed along the southern edge of the proposed dwelling as five in this area is considered excessive given their large size at maturity and the relatively small area they would be growing within. A maximum of two shall be shown in this area, comprising one beyond the western and eastern edges of the proposed basement level, with more appropriately sized species to be used along the remainder of the southern boundary.
 - c. Provision of stepping stones or similar in those mass planted, continuous garden areas proposed along the southern, eastern and northern edges of the proposed development in order to facilitate maintenance access as well as to maximise the useability of the private open spaces available to occupants.
 - d. Incorporation of additional accent plants (foliage, form, colour) within those mass planted, continuous garden areas throughout the site, as well as at all proposed pedestrian entry/exits.
 - e. Only those low growing, low maintenance species shall be selected for planting along the southern and eastern boundaries, in front of the proposed boundary fencing. They will not have the capacity to encroach onto the footpath and will not require regular maintenance to contain their size, shape or form.
 - f. A more cohesive and uniform landscape treatment in the area between the proposed vehicle entry and western edge of the proposed development, surrounding the stairwells, using more substantial species.
 - g. A planting plan which indicates the location of all proposed planting at their mature size 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, lighting and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

- e. Sectional elevations through the site showing the existing and proposed ground lines, building elevations, and mature height of proposed planting.
 - f. All planter boxes constructed on slab must have a minimum *soil depth* of 600mm. Details shall be submitted with the detailed landscape plans.
 - g. 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.
 - h. Porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.
117. 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.

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

118. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas in order to provide full coverage with no overspray onto driveways and pathways, with details of the system to be shown on the detailed landscape plans, to all current Sydney Water requirements.
119. The naturestrip upon both of Council's footways shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
120. The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.
121. 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.
122. 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.

123. 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.
124. Prior to the issue of a construction certificate, the applicant shall submit total payment to Council for,
 - a. Removal of the western most *Banksia integrifolia* (Coastal Banksia) on the Dudley Street nature strip to accommodate the proposed vehicle crossing and entry ramp as shown; and
 - b. To supply and install 1 x 25 litre *Banksia integrifolia* (Coastal Banksia) on the Dudley Street frontage to the east of the proposed vehicle crossing, as well as 4 x 25 litre *Banksia integrifolia* (Coastal Banksia's) evenly spaced along the Mount Street nature strip at the completion of all works; and
 - c. To compensate Council for the loss of amenity caused by removal of the western most *Banksia integrifolia* (Coastal Banksia) from the Dudley Street nature strip.

The contribution shall be paid at the Cashier on the Ground Floor of the Administrative Centre **prior to a construction certificate being issued for the development, with the applicant required to contact Council's Landscape Development Officer on 9399-0613 to arrange for all relevant costs associated with this condition to be calculated.**

125. The following trees shall be removed from site in order to accommodate the development as proposed, subject to the planting of a minimum of 6 x 100 litre broad canopied replacement trees (not palms) suitably located within those areas of deep soil around the perimeter of the site. The species selected shall be those which will attain a minimum height of between 6-20 metres upon maturity.
 - a) One Rhus Tree against the southwest corner of the existing dwelling at 120 Mount Street,
 - b) One *Olea europaea* (Olive Tree) along the northern boundary of 120 Mount Street,
 - c) One *Persea americanna* (Avocado Tree) in the northwest corner of 120 Mount Street,
 - d) One *Corymbia citriodora* (Lemon Scented Gum) along the southern boundary of 120 Mount Street,
 - e) One *Grevillea* cultivar along the southern boundary of 120 Mount Street.
126. Permission is granted for the selective pruning of only those lower growing overhanging branches from the eastern side of the eastern most *Eucalyptus bicostata*

(Southern Blue Gum) located within the rear yard of 23 Dudley Street, in order to avoid conflict/damage to branches from site machinery during the course of demolition and construction works. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, minimum qualification Certificate 4 in Arboriculture, to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

127. In order to ensure the retention of the two *Banksia integrifolia* (Coastal Banksia's) on the Dudley Street nature strip, to the east of the proposed vehicle crossing 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 their retention with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
- b. The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which is to be located a minimum distance of 1.5 metres from the outside edge of their trunks to completely enclose both trees.

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

- c. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.
- d. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".
- e. Should pruning of any branches from these street trees be needed in order to avoid conflict/damage during site works, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least 48 hours notice, to arrange for such work to be carried out. Pruning of these street trees shall only be undertaken by Council or Council's authorised agents, with the applicant required to reimburse Council for the cost of such work, prior to the issue of final occupation certificate.

128. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$6,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.

- 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.

129. In order to organise for an inspection for the release of the security deposit, the applicant/Principal Certifying Authority shall liaise with Council's Landscape Development Officer 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 Customer Service Centre to organise for a further inspection to be undertaken.

ADVISORY MATTERS:

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

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

- | | | | |
|----|---------|---|--|
| a) | Part B1 | - | Structural provisions |
| b) | Part C1 | - | Fire resistance and stability |
| c) | Part C2 | - | Compartmentation and separation |
| e) | Part C3 | - | Protection of openings |
| p) | Part E1 | - | Fire fighting equipment |
| q) | Part E2 | - | Smoke Hazard Management |
| r) | Part E3 | - | Lift Installations |
| s) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| t) | Part F1 | - | Damp and weatherproofing |
| w) | Part F4 | - | Light and ventilation |
| x) | Part F5 | - | Sound Transmission and Insulation |

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

You are 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.
- A3. 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.

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

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

5.3 DEVELOPMENT APPLICATION REPORT - 1 COAST HOSPITAL ROAD, LITTLE BAY. (DA187/2006)

H53 **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 DA/187/2006 for the partial demolition, restoration and reconstruction, including new additional/altered elements, to the buildings known as Flower Wards 2, 4, 5 and 6 and Hill Building No. 2 at the Prince Henry site to provide for future residential development at 1 Coast Hospital Road, Little Bay, subject to the following conditions:-
1. The development must be implemented substantially in accordance with the plans numbered A01 A to A16 A stamped received by Council on 21 March 2006, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:

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

2. 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.

3. Power supply and telecommunications cabling to the development shall be underground.
4. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
5. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) linked to elevations of the subject buildings 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.
6. A separate Development Application is required to be submitted to and approved by Council with regard to the internal works associated with the dwelling units within the Flower Wards 2, 4, 5 and 6 and Hill Building No. 2.
7. The finished ground levels external to the building are to be consistent with the development consent No 763/2004 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.
8. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
9. The detail/design of the openings for lower ground level parking to Flowers Ward buildings 2, 4, 5 and 6 is to be refined to reduce the reveal depth and retain a brickwork surround to the openings. Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.
10. Appropriate interpretation of the original end stairs to Flowers Ward building 2 is to be provided in the form of a straight joint or groove to indicate the location of the original stairs. Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.
11. Approval is given for the reinstatement of the arched openings to the eastern corner wings to Flowers Ward buildings 2, 4, 5 and 6. Approval is not given at this stage for the demolition of the walls surrounding the former drying areas and the construction of new glazed screens. The need for these works is to be considered in conjunction with the plans for the internal works to the buildings, and drawings submitted in conjunction with subsequent development applications related to the internal works.
12. The design of the stairs and gate and the doors to the waste bin storage area to Hill Building 2 is to be modified to reflect the 1930s character of the original operating theatre building or to have a modern character that distinguishes them as alterations to the original. Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.
13. The western window opening to Hill Building 2 is to be retained as existing and the narrow windows to either side of the central opening are to be retained in their entirety. Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.

14. All the principle structural members and a substantial amount of joists and boarding are to be retained in any adaptation of the attic ceiling of Hill Building. Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.
15. Approval is not given for the demolition of the original rear stair to the former rear entrance of Hill Building 2 and the construction of a new glazed screen. The need for these works is to be re-considered in conjunction with the plans for the internal works to the buildings.
16. The proposed new decks on the eastern side of the link corridor in Hill Building 2 are to be designed and constructed without the enclosing brick wall underneath, so that the original alignment of the eastern wall of the link remains visible. Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.
17. Careful design of the details of the proposed works is to be carried out, to ensure that original fabric is distinguished from reconstructed and new elements, in accordance with the principals of the CMP and SECPs. Original components are to be reused in reconstruction where possible.
18. Recording of all fabric proposed for alteration or removal, and of any significant fabric uncovered by the works, is to be carried out in accordance with NSW Heritage Office guidelines for archival recording.
19. All significant elements not necessarily affected by the works are to be retained.
20. Careful conservation and repair of all fragile external fabric is to be carried out in conjunction with the proposed works. In particular, advice from a qualified and experienced materials conservator is to be sought in relation to the sand-lime brickwork.
21. All building works to building elements identified in the SECPs as being significant are to be carried out by appropriately skilled and experienced tradespeople.
22. An architect suitably qualified and experienced in heritage conservation shall be engaged to monitor the works during construction to ensure minimum disturbance to original fabric, and to ensure the use of suitable construction methods, especially for demolition.
23. The Draft Maintenance Plan is to be finalised and submitted to Council prior to commencement of works. A positive covenant shall be created under Section 88E of the Conveyancing Act to ensure that a specific sinking fund is established and allocated for ongoing repair and maintenance works to the heritage buildings. These works are to be in accordance with the Maintenance Plan. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be submitted for Council's approval prior to commencement of works.
24. Interpretative elements are to be installed in conjunction with the proposed works. Details of the interpretation proposal for the site are to be submitted. The interpretation

proposal should be prepared in accordance with the SECPs for the Flowers Ward group, for Flowers Ward 6, and for Hill Building 2 prepared by Godden Mackay Logan in March 2006, and with the Interpretation Strategy by Musecape (November 2004) and address the 'rationale for interpretation' in section 12.11 of the Interpretation for the relevant sites where appropriate.

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

25. All work shall comply with the following documentation:
- a) Drawings: A00-A dated 16/3/2006, A01-A, A02-A, A03-A, A04-A, A05-A, A06-A, A07-A, A09-A, A10-A, A11-A, A12-A, A13-A, A15-A dated 17/3/2006, and A08-A, A14-A, A16-A dated 16/3/2006 prepared by PTW Architects;
 - b) External DA Landscape Plans LP-01(02) and LP-02(02) dated 17/3/2006 prepared by Ladd Hudson Architects;
 - c) Heritage Impact Statement dated 20 March 2006 prepared by Orwell & Peter Phillips Architects;
 - d) Statement of environmental effects dated March 2006 prepared by GSA Planning Pty Ltd;
 - e) Specific Element Conservation Policy for Flowers Ward 6 and Hill Building 2 dated March 2006, and Flowers Wards Group dated April 2006 prepared by Godden Mackay Logan Pty Ltd;
 - f) Draft Maintenance Plan prepared by PTW Architects and GML Pty Ltd;
 - g) Landscape Report dated 17/3/2006 prepared by Ladd Hudson Architects;
 - h) External finishes schedule prepared by PTW Architects;
 - i) Preliminary BCA design capability statement dated March 2006 prepared by Philip Chun and Associates;
 - j) Concept fire safety strategy dated March 2006 prepared by Ove Arup Pty Ltd;
 - k) Accessibility report dated 8 March 2006 prepared by Accessibility Solutions Pty Ltd; and
 - l) Structural Report dated March 2006 prepared by Hughes Trueman Pty Ltd.

Nominated Heritage Consultant

26. A heritage consultant shall be nominated for the works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the works. The name and experience of this consultant shall be submitted to the Heritage Office for approval with the section 60 application.
27. The consultant shall advise on the detail design resolution of new elements, undertake on site heritage inductions, inspect removal works, construction of new elements, design and installation of services (to minimise impacts on significant fabric and views) and manage the implementation of the conditions of approval).
28. A report by the consultant (illustrated by works' photographs) shall be submitted to the Heritage Office for approval within 3 months of the completion of the works which describes the work, any impacts/damage and corrective works carried out.

Further Information

29. A colour sample board in accordance with the External Finishes Schedule, and details

of the new stairs shall be submitted to and approved by the Heritage Office prior to works commencing.

Conservation Works

30. Information scheduling and describing the proposed conservation works is to be submitted to the Heritage Office for approval prior to the release of the construction certificate:
 - a) The conservation works are to be implemented in accordance with the Flowers Ward Group Specific Element Conservation Policy (SECP) dated April 2006, Flowers Ward 6 SECP dated March 2006 and Hill Theatre 2 SECP dated March 2006;
 - b) The conservation works documents are to be prepared by a qualified practitioner and the work inspected by the nominated heritage consultant;
 - c) The conservation works are to include proposed painting schedules guided by the historic colour scheme analysis and paint scapes prepared in consultation with the nominated heritage consultant;
 - d) The works are to be undertaken by qualified contractors in accordance with the conditions of approval; and
 - e) The conservation works are to be completed by practical completion of the construction works.

Works

31. The construction works and installation of services are to be undertaken in accordance with Flowers Ward Group, Flowers Ward 6 and Hill Building 2 Specific Element Conservation Policies (SECPs) dated March and April 2006. In addition:
 - a) Significant building elements, features and fragile materials shall be adequately protected during the works from potential damage;
 - b) The demolition and removal of materials is to be carried out in such a manner as to prevent runoff, damage to or removal of significant heritage fabric;
 - c) Significant fabric and features in the vicinity of the development and wherever construction vehicles are used are to be protected during the works;
 - d) Chemical and expanding masonry anchors are not to be used to fix new fixtures existing masonry walls. The use of timber plugs or wood screws is preferred;
 - e) The installation of services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features;
 - f) Service runs should be grouped and concealed within the new work; and
 - g) Proposed service reticulation is to minimise interface with retained significant fabric. Penetrations through heritage fabric should be minimised.
32. A materials scientist with heritage experience is to be engaged and is to undertake on-site testing, chemical analysis to provide advice concerning the stabilisation and repair of the Flowers Wards and Hill Building 2 external brickwork. The advice and proposed remediation methods are to be submitted for approval to the Heritage Office with the section 60 application. The approved advice is to be implemented to arrest the deterioration of the brickwork. Any repair of the brickwork is to minimise intervention, loss of original fabric and alteration to its appearance.

Interpretation

33. Any site specific interpretation (proposed themes and media), proposed way signage and street furniture at the Flowers Wards Group site are to be in accordance with the Prince Henry site Interpretation Strategy dated October 2005 prepared by Musecape and submitted to Randwick City Council for approval prior to works commencing.

Aboriginal Archaeology

34. Any ground disturbance and excavation undertaken as part of the proposed works is to be undertaken in consultation with the La Perouse Local Aboriginal Land Council (LPLALC) and, where requested, be subject to LPLALC and archaeological monitoring.
35. Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work resumes.
36. Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process undertaken by the nominated heritage consultant, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.
37. Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.

Historical Archaeology

38. If any relics of state significance are uncovered, further excavation must stop and the Heritage Office notified immediately. Further approval will need to be obtained from the NSW Heritage Council as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found.
39. Suitable clauses are to be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their obligations and requirements in relation to the relics provisions of the Heritage Act.
40. Prior to the commencement of the proposed works, all those involved are to be made aware by way of an induction of the existence of historical archaeological remains at the Prince Henry site.

Landscape

41. Disturbance to existing indigenous vegetation and subsurface deposits should be limited by appropriate protection measures and all efforts should be made to define a specific development impact footprint that should be adhered to throughout the course of the site works.

42. Seed stock indigenous to the site and/or locality (the Prince Henry site, being weed affected, may not be able to provide sufficient stock) should also be used to generate the proposed new landscaping. Written confirmation of this requirement is to be submitted to the Heritage Office for approval prior to the release of the construction certificate.

Site Protection

43. Appropriate protective measures shall be included in the Master Program and Site Co-ordination Plan to ensure that significant built and landscape elements are not damaged during the streetscape works. These should be submitted to the Council for approval prior to work commencing. Significant fabric (such as retaining walls, kerbs, gutters and significant paving) in the vicinity of the development and wherever construction vehicles are used should be protected during excavation and construction works.

S60 application

44. An application under section 60 of the NSW Heritage Act is to be submitted and approved by the NSW Heritage Council prior to work commencing.
- a) Drawings: A00-A dated 16/3/2006, A01-A, A02-A, A03-A, A04-A, A05-A, A06-A, A07-A, A09-A, A10-A, A11-A, A12-A, A13-A, A15-A dated 17/3/2006, and A08-A, A14-A, A16-A dated 16/3/2006 prepared by PTW Architects;
 - b) External DA Landscape Plans LP-01(02) and LP-02(02) dated 17/3/2006 prepared by Ladd Hudson Architects;
 - c) Heritage Impact Statement dated 20 March 2006 prepared by Orwell & Peter Phillips Architects;
 - d) Statement of environmental effects dated March 2006 prepared by GSA Planning Pty Ltd;
 - e) Specific Element Conservation Policy for Flowers Ward 6 and Hill Building 2 dated March 2006, and Flowers Wards Group dated April 2006 prepared by Godden Mackay Logan Pty Ltd;
 - f) Draft Maintenance Plan prepared by PTW Architects and GML Pty Ltd;
 - g) Landscape Report dated 17/3/2006 prepared by Ladd Hudson Architects;
 - h) External finishes schedule prepared by PTW Architects;
 - i) Preliminary BCA design capability statement dated March 2006 prepared by Philip Chun and Associates;
 - j) Concept fire safety strategy dated March 2006 prepared by Ove Arup Pty Ltd;
 - k) Accessibility report dated 8 March 2006 prepared by Accessibility Solutions Pty Ltd; and
 - l) Structural Report dated March 2006 prepared by Hughes Trueman Pty Ltd.

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

45. The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Site Audit Statements for the relevant land must be provided to the Council prior to any building works commencing.
46. No infrastructure or construction works are permitted to be undertaken unless the

subject land has been remediated in accordance with consent 1188/02 (as amended) and all contamination and cross contamination issues have been addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.

47. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.
48. A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.
49. The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.
50. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.

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

51. The applicant shall:
 - a) Construct concrete vehicular crossings and laybacks at the kerb opposite the proposed vehicular entrances to Flowers Ward 2 in Curie Avenue;
 - b) Construct concrete vehicular crossings and laybacks at the kerb opposite the proposed vehicular entrances to Flowers Ward 4 on the western side of Darwin Avenue (PD4);
 - c) Construct concrete vehicular crossings and laybacks at the kerb opposite the proposed vehicular entrances to Flowers Ward 6 in Ewing Avenue (EX6);
 - d) Construct concrete vehicular crossings and laybacks at the kerb opposite the proposed vehicular entrances to Flowers Ward 5 in Ewing Avenue (EX6);
 - e) Construct/reconstruct pedestrian ramps, crossings and pathways as detailed on the submitted plans.

Note: Should any of the new vehicular or pedestrian crossings be located over any existing kerb inlet pits, the applicant will be required to:

- i) Convert the existing kerb inlet pit to a grated inlet pit in the new layback; and*
- ii) Construct a new kerb inlet pit immediately adjacent to the new crossing to compensate for the lost inlet capacity.*

All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb

and Gutter and Vehicular Crossing Detail' (Drawing SD4) and Council's 'Standard DGGP with Extended Kerb Inlet Detail' (Drawing SD7a).

52. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
53. Details of how vehicular traffic flows accessing Flower Ward 2 along Currie Avenue will be managed in relation to pedestrian use of Currie Avenue shall be submitted and approved by Council prior to a Construction Certificate being issued for the development. These details are to be consistent with requirements for shared zone as specified by the relevant Roads and Traffic Authority standards.

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

54. 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:

Flowers Ward 2:

- Brodie Avenue (EX5) - Match the level at the back of the approved footpath.
- Curie Avenue – At the levels shown on the submitted Flower Ward 2 Plan (A02 A dated 17/03/2006).

Flowers Ward 4:

- Curie Avenue – At the levels shown on the submitted Flower Ward 4 Plan (A05 A dated 17/03/2006).
- Darwin Ave (PD4) – At the levels shown on the submitted Flower Ward 4 Plan (A05 A dated 17/03/2006).

Flowers Wards 5 &6/Hills Building 2:

- Darwin Ave (PD4) - Match the level at the back of the approved footpath.
- Ewing Ave (EX6) - Match the level at the back of the approved footpath.

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

55. 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.
56. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.

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

57. 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.

58. 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.
59. 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.
60. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.

Drainage Conditions

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

61. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage (for Lots 52, 53, 57, 58 & 59) 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 the 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 connections into the underground drainage system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) Proposed finished surface levels and internal driveways which are to be related to Council's design alignment levels.
 - e) 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.

62. All stormwater run-off naturally draining to Lots 52, 53, 57, 58 & 59 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.
63. All site stormwater leaving Lots 52, 53, 57, 58 & 59 must be discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the underground drainage system in accordance with the Prince Henry drainage strategy prepared by Connell Wagner.
64. A childproof and corrosion resistant fastening system shall be installed on access gates over pits/trenches where water is permitted to be temporarily stored.
65. Where required, a reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from the underground drainage system does not surcharge back into the site stormwater system.
66. A sediment/silt arrester pit must be provided within the site prior to stormwater being discharging from the site.

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.

67. 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. Finished site contours at 0.2 metre intervals (over Lots 52, 53, 57, 58 & 59);
 - b. The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes.
68. 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.

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

69. Landscaping at the site shall be installed substantially in accordance with the landscape plans prepared by Ladd Hudson Architects, drawing number LP-01, project number 354, revision 02, dated 17.03.06, and stamped received at Council on 21st March 2006, prior to the issue of a final occupation certificate. All proposed planting shall be in accordance with the objectives and criteria contained within point 4.7 and 4.8 of the Prince Henry DCP, dated 8th December 2004, for the Historical Precinct.
70. 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.
71. The following trees shall be removed as part of the proposed works:
- c. Two *Acacia elata* (Sydney Green Wattles) along the western edge of Flowers Ward 5, towards its northwest corner, and further to the south, a stand of *Allocasurina species* (She-Oaks).
 - d. One *Grevillea robusta* (Silky Oak) along the western edge of Flowers Ward 6.

Tree Protection Measures

72. In order to ensure retention of the *Banksia integrifolia* (Coastal Banksia) beyond the northwest corner of Flowers Ward 5, the following measures are to be employed, with approval granted for the removal of all other vegetation in this area which is directly affected by this application:
- a. All detailed documentation submitted for the construction certificate application shall show the retention of these trees with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
 - b. The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be installed a minimum distance of 2.5 metres from the outside edge of their trunks to completely enclose each tree/stand of trees.

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 and no stockpiling of soil or rubble.
 - d. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".
73. A refundable deposit in the form of cash, cheque for the amount of \$2,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.
- 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.
 - c. To facilitate release of the bond, the applicant shall provide Council with certification from a suitably qualified Landscape Architect (who is eligible for membership with the Australian Institute of Landscape Architects), confirming that they have inspected the site 12 months after the date of issue of the occupation certificate, and that the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation.

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

74. 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.

75. 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.

76. 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.
77. Prior to the commencement of any building works, the person having the benefit of the development consent must:-
- i) appoint a *Principal Certifying Authority* for the building work, and
 - ii) appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
 - iii) unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
 - iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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

78. 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.

79. 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”.

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

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

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

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

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

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

81. 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.

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:

82. 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.
83. 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.
84. 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.
85. All excavations and backfilling associated with the 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.

86. 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 Health, Building & Regulatory Services.
87. Noise and vibration emissions during the construction or demolition 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.
88. 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.

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

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

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

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

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

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

91. The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.
92. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in

progress or the site is unoccupied.

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

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

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

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

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

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

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

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

ADVISORY MATTERS:

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

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

- a) Part B1 - Structural provisions

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

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

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

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

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

5.4 DEVELOPMENT APPLICATION REPORT - 30 KINGSFORD STREET, MAROUBRA. (DA/0749/2005'A')

- H54 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng/Andrews) that Council as the responsible authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 749/2005'A' for Section 96(2) modification to delete condition 6 which required removal of the proposed new carport to the front of the dwelling at 30 Kingsford Street, Maroubra.*

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

5.5 DEVELOPMENT APPLICATION REPORT - 7 KYOGLE STREET, MAROUBRA. (DA/0017/2006)

- H55 **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 17/2006 for New ground floor alterations & new first floor addition including new pool at the rear, raised rear deck, first floor balcony & new garage to the existing semi-detached dwelling at 7 Kyogle Street, Maroubra subject to the following conditions:-*
 1. *The development must be implemented substantially in accordance with the plans drawn by Steven N. Koturic numbered DA01/A dated APRIL 06 in the amendments box and DA02/A, dated MAR.06 in the amendments box and stamped received by Council on 7 April 2006, the External Schedule of Finishes & Materials stamped received by*

Council on 16 January 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. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located at 9 Kyogle Street, Maroubra and the existing garage located on the boundary of 5 Kyogle Street, Maroubra.*
3. *All fencing to be undertaken as part of the approved works is to be at the cost of the owner of the subject site.*
4. *The maximum level of the swimming pool and deck surround is to be RL 21.0. This condition is imposed to minimise the visual bulk and scale of these structures and associated fencing and to minimise the opportunity for overlooking from the pool deck. Details are to be included with the Construction Certificate application.*
5. *The northern and southern walls to the first floor rear facing balcony are to be a minimum height of 1.6 metres measured from finished floor level to minimise overlooking. This condition is imposed to clarify the plans. Details are to be shown on the plans submitted with the Construction Certificate application.*
6. *The fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm, measured above the existing ground level.*

On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the abovementioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

The applicant and owner is advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

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:

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.*
8. *There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
9. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

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

10. *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.*

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

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

12. *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:

13. *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.

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

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

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

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

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

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

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

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

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

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

relied upon must also be forwarded to Council with the occupation certificate.

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

20. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);

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

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

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

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

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

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

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

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

Where the work to be done by any other person (i.e. an owner-builder), excavation or

building work must not be carried out unless the Principal Certifying Authority:

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

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

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

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

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

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

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

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

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

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

26. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the*

Environment Protection Authority) and Randwick City Council policies and conditions, including:

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

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

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

Retaining walls, shoring or piling must be provided to support land which is excavated in and Australian Standards. Details of proposed retaining 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 walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

29. *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.

30. *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.

31. *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.

32. *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.

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

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

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

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

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

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

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

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

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

35. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*
36. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*

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

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

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

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

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

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is

designed, constructed and installed in accordance with AS 1926-1986.

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

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

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

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

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

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

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

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

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

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

41. *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.*

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

42. *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.*
43. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

44. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
45. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
46. *In order to ensure the retention of the Grevillea robusta (Silky Oak) located in the rear yard of the adjoining property to the south, 9 Kyogle Street, close to the common boundary in good health, the following measures are to be undertaken:*
 - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b. *There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within a distance of 2.5 metres off the southern boundary of the subject site.*
 - c. *Any excavations required for footings, structures, pipes etc within a distance of 2 metres of the southern boundary which fall beneath the dripline of this tree, shall be undertaken by hand with any roots needing to be cut to be done so cleanly using hand held tools, with the affected area to be backfilled as soon as practically possible.*
 - d. *Prior to the cutting of any roots or the installation of any footings associated with the southeast corner of the proposed pool and deck, the applicant will be required to contact Council's Landscape Development Officer on 9399-613, giving at least 48 hours notice, so that a site inspection of the hand dug*

trenches can be carried out.

ADVISINGS

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

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

6. MISCELLANEOUS.

6.1 DIRECTOR, CITY PLANNING REPORT 46/2006 - MATRAVILLE TOWN CENTRE DRAFT DCP ADDENDUM REPORT. (F2004/08020)

H56 **RESOLUTION:** *(Nash/Andrews) that Council note and endorse the corrected page 11 map, as shown in attachment 3 to this report, in which the horizontal lined ‘rear lot development’ footprint to the rear (western boundary) of the ‘Theos’ site is amended and shown as ‘dots’ for inclusion in the final DCP.*

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

6.2 DIRECTOR, CITY PLANNING REPORT 47/2006 - UPDATE ON RANDWICK'S ENERGY CONSERVATION CAMPAIGN AND RESIDENTIAL INCENTIVE SCHEME. (F2005/00230)

H57 **RESOLUTION:** *(Nash/Andrews) that Council endorse Randwick's Home Energy Makeover Campaign.*

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

6.3 DIRECTOR, CITY PLANNING REPORT 48/2006 - DRAFT RANDWICK CITY AFFORDABLE RENTAL HOUSING PROGRAM + PROCEDURES. (F2004/07952)

H58 **RESOLUTION:** *(Nash/Andrews) that Council:*

a) *note the report; and*

b) *endorse the Affordable Rental Housing Program + Procedures for implementation.*

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

6.4 DIRECTOR, CITY PLANNING REPORT 49/2006 - DRAFT CHILD CARE CENTRES POLICY. (F2006/00214)

Note: Cr Sullivan declared a non-pecuniary interest in this matter as his job is involved in the childcare industry.

H59 **RESOLUTION:** *(Nash/Andrews) that:*

- a) *the Child Care Centres Policy be endorsed; and*
- b) *the public be notified of the Council resolution in relation to this matter.*

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

6.5 DIRECTOR, CITY PLANNING REPORT 50/2006 - ESTABLISHMENT OF AN INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP). (F2004/07960)

H60 **RESOLUTION: (Nash/Matson)** *that Council not proceed with the establishment of an Independent Hearing and Assessment Panel.*

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

A division was called for by councillors Sullivan and Andrews. Voting was as follows:-

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

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.00p.m.

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CHAIRPERSON