

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 11TH JULY 2006 AT 6:47 PM**

PRESENT:

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

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

North Ward	-	P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs M. Matson & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic (arrived 6.50pm)

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 Development Assessment	Mr. K. Kyriacou.
Senior Administrative Coordinator	Ms J Hartshorn.
Communications Manager	Ms. D. Brien.

1. APOLOGY/IES.

An apology was received from Cr Daley.

RESOLVED: (Tracey/Sullivan) that the apology from Cr Daley for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 11th July, 2006 be received & accepted.

1A. LEAVE OF ABSENCE.

Leave of absence had previously been granted to Cr Kenny. See Minute No. 151 of 27th June, 2006.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 13TH JUNE, 2006.

H61 **RESOLUTION:** (*Belleli/Andrews*) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 13th June 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Cr Sullivan declared a non-pecuniary interest in Item 5.7 (Development Application Report – 3 Darley Road, Randwick) and Item 5.11 (Development Application Report – 48A Middle Street, Randwick) as part of his occupation involves the Child Care industry.

4. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

5.1 DIRECTOR, CITY PLANNING REPORT 58/2006 - 29-31 ALFREDA STREET, COOGEE.

The Objector Ms Rona Wade 4/138 Beach Street, Coogee
(representing the Coogee Precinct Committee)

The Applicant Mr John Andrews 2 Denning Street, Coogee

5.2 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE.

The Objector Mr Constantine Nafpliotis 11 Ron Filbee Place, Lurline Bay

The Applicant Mr Paul Dermatis PO Box 731 Coogee

5.3 DEVELOPMENT APPLICATION REPORT 30 KNOX STREET, CLOVELLY.

The Objector Ms Natalia Collai 29 Greville Street, Clovelly

The Applicant Ms Angela Kromwyk 30 Knox St, Clovelly

5.4 DEVELOPMENT APPLICATION REPORT - 24 STEPHEN STREET, RANDWICK.

The Objector Mrs Marie Johnson 22 Stephen Street, Randwick

The Applicant Mr Michael Homsey 24 Stephen Street, Randwick

5.5 DEVELOPMENT APPLICATION REPORT - 260-260A MAROUBRA ROAD, MAROUBRA.

The Objector Ms Linda Marshall 4/262 Maroubra Road, Maroubra.

The Applicant Mr Robert Krochmalik 1 Vaocluse Road, Vaocluse

5.6 DEVELOPMENT APPLICATION REPORT - 32 RALEIGH STREET RANDWICK.

The Objector Mr Barry Rook 29 Pauling Avenue, Coogee

The Applicant Mr Chris Millett 32 Raleigh Street, Randwick

5.7 DEVELOPMENT APPLICATION REPORT - 3 DARLEY ROAD, RANDWICK.

The Objector Ms Elizabeth Grinston 5 Darley Road, Randwick

The Applicant Mr Matthew Holt 75 Bay Road, Bolton Point

5.8 DEVELOPMENT APPLICATION REPORT - 55 DENNING STREET, SOUTH COOGEE.

The Objector Ms Jacqueline Gadge 57 Denning Street, South Coogee

The Applicant Mr Martin Bednarczyk 224 Commonwealth Street, Surry Hills

5.9 DEVELOPMENT APPLICATION REPORT - 31 SACKVILLE STREET, MAROUBRA.

The Objector Mr Frank Weiss 33 Sackville Street, Maroubra

5.10 DEVELOPMENT APPLICATION REPORT - 23 KING STREET, RANDWICK.

The Objector Ms Margaret McGregor 25 King Street, Randwick

The Applicant Ms Genevieve Slattery Level 5, 110-114 Kippax Street, Surry Hills

5.11 DEVELOPMENT APPLICATION REPORT - 48A MIDDLE STREET, KINGSFORD.

The Objector Mr Randy Lee 48 Middle Street, Kingsford

The Applicant Mr Alan Smith 48a Middle Street, Kingsford

6.2 DIRECTOR, CITY PLANNING REPORT 60/2006 - PRINCE HENRY MASTERPLAN (DEEMED DCP) - PROPOSED AMENDMENT MAY 2006.

Against Mr Timothy Dalton 27 Dawes Street, Little Bay

For Mr Gary Bauer PO Box 6151, Malabar
Landcom

The meeting was adjourned at 8:35p.m. and was resumed at 8:53p.m.

RESOLUTION: (Belleli/Nash) that the staff recommendations be adopted for Items 5.1, 5.2, 5.3, 5.5, 5.7 and 5.8.

(Note: Cr Bastic was not present at the meeting during the vote on the above resolution).

PROCEDURAL MOTION

RESOLUTION: (Belleli/Nash) that Item 6.2 (Prince Henry Masterplan (Deemed DCP) – Proposed Amendment May 2006 be brought forward for immediate consideration.

Item 6.2 was considered at this point in the meeting.

5. DEVELOPMENT APPLICATIONS.

5.1 DIRECTOR, CITY PLANNING REPORT 58/2006 - 29-31 ALFREDA STREET, COOGEE. (DEFERRED) (DA73/1995/C)

H62 **RESOLUTION: (Belleli/Nash)** that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.073/95 on property 29-31 Alfreda Street, Coogee, to extend the existing operating hours from 10am to 1 am for the following reasons:

1. *The proposed extension of trading hours is inconsistent with objective (c) of the General Business 3A Zone in Randwick Local Environmental Plan 1998, in that immediate residential properties will be adversely affected by the proposal from additional noise and anti-social behaviour.*
2. *The NSW Police object to the proposal and have identified that the proposed extension of trading hours will further exacerbate existing amenity impacts in the area in respect to noise and anti-social behaviour.*
3. *The proposed extension of hours of the use will create a further conflict of land uses in that the immediately adjoining properties to the west which are residential in nature and will unreasonably intensify the current use on site.*
4. *The proposal is not in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, in that it will not be in the public interest.*

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

5.2 DEVELOPMENT APPLICATION REPORT - 351 RAINBOW STREET, SOUTH COOGEE. (D/1114/2004)

H63 **RESOLUTION: (Belleli/Nash)** that Council as the responsible authority grant its consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Application No 1114/2004 on property at 351 Rainbow Street, South Coogee in the following manner:-

Amend Condition No. 1 to read:

1. *The development must be implemented substantially in accordance with the plans numbered 101 Amendment B, 201, 301 and 302 all Amendment A, dated 2 June, 2005, prepared by X. Pace, all received by Council on 20 June, 2005, the application form and on any supporting information received with the application, except as may be amended by the details approved with the deferred commencement conditions and as amended by the Section 96 plans with Project No. 04xsy019 and numbered 1 01 Amendment G dated 12 April 2006; 2 01 Amendment F, 3 01 and 3 02 both Amendment E, all dated 10 May 2006 and received by Council on 11 May 2006, only in so far as they relate to the modifications detailed in the Section 96 application and except as may amended by the following conditions and as may be shown in red on the attached plans.*

Additional conditions

91. *The skylight over the walk-in robe of the Master Bedroom shall be reduced in size to 795mm by 795mm and be flush with the hob at its outer edges, with only a slight dome consisting of white opaque glass or white plastic to minimise glare and view impacts to the neighbouring dwelling. Details to be shown on the construction certificate plans to the satisfaction of the certifying authority prior to the issue of the construction certificate.*
92. *The flue to the natural gas fireplace shall have a maximum height above the roof level of 350mm to minimise any interruption to the view from the neighbouring dwelling and shall be painted with a heat resistant paint a similar colour as the roof to minimise reflection to neighbouring properties. Details to be shown on the construction certificate plans to the satisfaction of the certifying authority prior to the issue of the construction certificate.*

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

5.3 DEVELOPMENT APPLICATION REPORT - 30 KNOX STREET, CLOVELLY. (DA165/2006)

H64 **RESOLUTION:** *(Belleli/Nash) that 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 165/2006 for Alterations and new first floor additions to the existing semi-detached dwelling house including new front and rear decks at first floor level, new deck above front garage, new rear spa pool with associated deck. at 30 Knox Street, Clovelly, subject to the following conditions:-*

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

1. *The development must be implemented substantially in accordance with the amended plans numbered 022/06 Sheet Nos. 1 to 4, Issue B, dated 8 May 2006 and received by Council on 18 May 2006, the application form and on any supporting information*

received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. *The colours, materials and finishes of the external surfaces of the proposed additions to the existing building are to be consistent with that indicated in the materials/colour samples schedule accompanying the subject development application and received by Council on 23 May 2006.*
3. *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.*
4. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
5. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
6. *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.*

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

7. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
8. *New external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
- *name, address and telephone number of the Principal Certifying Authority; and*
- *a statement stating that "unauthorised entry to the work site is prohibited".*

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

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

19. ***Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that*

the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

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

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

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

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

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

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

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

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

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

22. *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:

23. *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.

24. *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.*

25. *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.

26. *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.

27. *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.*

28. *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.

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

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

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

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.

31. *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.

32. *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:

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

34. *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.

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

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

A sign shall be erected in a prominent position in the immediate vicinity of the spa 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 SPA 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.

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

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

Civil Works Conditions

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

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

Service Authority Conditions

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

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

Landscape Conditions

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

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

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

5.4 DEVELOPMENT APPLICATION REPORT - 24 STEPHEN STREET, RANDWICK. (DA/485/2005)

H65 **RESOLUTION:** *(Woodsmith/Matson)* that the application be deferred and the applicant be invited to submit amended plans.

MOTION: **(Andrews/White)** that Council as the responsible authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 485/2005/B on property 24 Stephen Street, RANDWICK NSW 2031 subject to standard conditions of consent.

AMENDMENT: *(Woodsmith/Matson)* **CARRIED.**

The Amendment became the substantive MOTION and was again **CARRIED – SEE RESOLUTION.**

5.5 DEVELOPMENT APPLICATION REPORT - 260-260A MAROUBRA ROAD, MAROUBRA. (DA/472/2005)

H66 **RESOLUTION:** *(Belleli/Nash)* that:

A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 31 (3) of the Randwick Local Environmental Plan 1998 (as amended) relating to the percentage of landscaped area over podiums or excavated basement areas on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director General of Planning be notified accordingly;*

AND

B. *Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. 472/2005 for an 8 x 2 bedroom Multi Unit Housing Development, with associated basement carparking, at No.260 -260A Maroubra Road, Maroubra. subject to the following deferred commencement conditions:-*

DEFERRED COMMENCEMENT CONDITION

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

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing heritage building on the site and surrounding heritage buildings adjacent and nearby to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and finishes (i.e. a sample board keyed to **all** building elevations) are to be submitted and shall include the following:-*

- *metal roof sheeting painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment*
- *details and samples of the glass to be used. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent and certification of such is required with the sample board.*

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

- C. *Subject to compliance with the deferred commencement condition, to the satisfaction of the Director City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. Development Application No 472/2005 for an 8 x 2 bedroom Multi Unit Housing Development, with associated basement carparking, at No. 260 - 260A Maroubra Road, Maroubra, subject to the following conditions, subject to the following conditions:-*

DEVELOPMENT CONSENT CONDITIONS

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered KRO-01 to KRO-04 , dated 1st April, 2005 and received by Council on 15th June, 2005, the application form and on any supporting information received with the application, except as may be amended by the satisfaction of the deferred commencement condition and as may be shown in red on the attached plans and by the following conditions:-*

ENVIRONMENTAL AMENITY:

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

2. *External colours, materials and finishes shall be in accordance with those approved by the satisfaction of the deferred commencement condition.*
3. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
4. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
5. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
6. *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.

7. *The enclosure of balconies is prohibited by this consent.*
8. *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.
9. *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.*
10. *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.*
11. *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.*
12. *Details of any proposed electricity power supply poles to be provided to service the development are to be submitted to and approved by Council's Director of Planning, prior to installation.*
13. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*
14. *In order to provide a safe and secure environment for residents, security mechanisms for pedestrian building entry shall be provided, including an audio or video intercom system located at the building entry for visitors to communicate with residents. Details shall be submitted to and approved by the principal certifying authority prior to a construction certificate being issued for the development.*
15. *In order to ensure that the basement car park is secure for residents and visitors a security gate to the basement car park shall be provided with intercom facilities at the car park entrance for visitors, capable of being accessed by people with a disability. Details shall be provided to the satisfaction of the certifying authority prior to the issue of the construction certificate.*
16. *Each kitchen shall have a waste cupboard provided for the separation of recycling materials and adequate storage for one day's waste. Details demonstrating compliance with these requirements shall be submitted to the certifying authority **prior to the issue of the construction certificate.***
17. *All balconies/terraces shall be fitted with a tap and have drainage to facilitate*

*cleaning. Details in satisfaction of the above shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.***

18. *Adequate lighting for personal safety and security shall be provided to common areas both internal and external to the building and shall be on a timer for energy efficiency purposes and adjusted for daylight saving. Details to be provided to the certifying authority **prior to the issue of the occupation certificate.***

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

19. *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.*
20. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

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

21. *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.*
22. *Appliances provided within the development must satisfy as a minimum the following energy ratings:*

- *Clothes dryers minimum 2.5 star*
- *Dishwashers minimum 3 star*
- *Clothes washers minimum 4 star*
- *Fridge minimum 4 star*

23. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.*

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

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within

any dwelling located upon any other premises between 10pm and 8am.

SECTION 94 Contributions

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

24. 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 | \$10,757.28 |
| b) | for the provision or improvement of community facilities | \$4,756.32 |
| c) | Administration fee | \$ 425.00 |

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

OCCUPATIONAL HEALTH & SAFETY AND DANGEROUS GOODS:

The following conditions are applied to ensure adequate environmental protection and occupational health and safety:

25. All site works shall comply with the occupational health and safety requirements of WorkCover NSW.

26. All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority, including the following provisions:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and
- The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines

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

ASBESTOS POLICY REQUIREMENTS

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

28. *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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

29. *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.*

30. *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.*

31. *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.*
32. *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.

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

NOISE EMISSION CONDITIONS:

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

34. *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).

35. *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.*

ENVIRONMENTAL POLLUTION & CONTROL:

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

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

PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS:

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

38. *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.

39. *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.*
40. ***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.***
41. ***Prior to the commencement of any building works, the person having the benefit of the development consent must:-***
 - i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

1989.

42. *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.

43. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- a) *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)*
 - b) *name, address and telephone number of the Principal Certifying Authority,*
 - c) *a statement stating that "unauthorised entry to the work site is prohibited".*

44. *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.

45. *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.

46. *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):

- a) has been informed in writing of the licensee's name and contractor number; and*
- b) 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:

- c) has been informed of the person's name and owner-builder permit number, or*
- d) 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.*

47. *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.

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

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

STRUCTURAL ADEQUACY:

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

49. *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.

50. *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**.*

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

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

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

52. *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.

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

CONSTRUCTION SITE MANAGEMENT:

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

54. *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.*
55. *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.*
56. 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.
57. 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.

58. 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.

59. 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 (except as detailed below) between 8.00am to 5.00pm on Saturdays.

All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

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.

60. *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.*
61. *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.*
62. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.*

Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the PCA and Council.

63. *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.*
64. *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.*
65. *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.

66. *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.*
67. *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.*
68. *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.

69. *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.*

70. *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.

71. *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.

72. *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.*
73. *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.*
74. *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.*
75. *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.

76. *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.

77. *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.*

Security Deposit Conditions

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

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

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

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

- *A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and*
- *Completion of the civil works as conditioned in this development consent by Council.*

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

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

Traffic conditions/Civil Works Conditions

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

79. *The vehicular access to the basement carpark and the basement carpark (including the driveway gradients, carpark layout and height clearances) shall be in accordance with Australian Standard 2890.1 (2004) and shall be certified as such by a suitably qualified engineer to the satisfaction of the certifying authority **prior to the issue of the construction certificate.***

80. *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 Maroubra Road.*
 - b) *Reconstruct the kerb and gutter for the full Maroubra Road site frontage except opposite the vehicular access.*
 - c) *Carry out a full depth, 1.50 metre wide, road construction in front of the kerb and gutter along the full Maroubra Road site frontage.*
 - d) *Reconstruct the concrete footpath along the full Maroubra Road site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - e) *Regrade and returf the full Galvin Street site frontage to match the issued alignment level.*
81. *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.*
82. *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.*
83. *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.*
84. *The driveway opening at the Maroubra Road site frontage must be 5.00 metres wide.*
85. *The applicant shall dedicate a strip of land 4.57 metres wide along the full Galvin Street frontage of the development site for road widening purposes, prior to the issuing of a final occupation certificate. The applicant shall meet all costs associated with the dedication.*
- No portion of the development (including basement structures and/or eaves overhang) shall encroach into the dedication.*
86. *The applicant shall pay to Council the sum of \$5,021 (based on a rate of \$366.00 per lineal metre of road frontage along Galvin Street), as a contribution towards the cost of future construction of Galvin Street in conjunction with the road dedication and in compliance with the Council's subdivision policy in relation to Galvin Street. The*

payment is to be made prior to the issuing of a construction certificate.

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

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

Alignment Level Conditions

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

88. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
- ***Maroubra Road: 20mm above the back of the existing Council footpath level at all points opposite the footpath, along the full site frontage.***
 - ***Galvin Street: 150mm above the edge of the asphalt road at all points opposite the road 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.

89. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/ footpath must be indicated on the building plans for the construction certificate.*
90. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$905 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

SERVICE AUTHORITY CONDITIONS

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

91. *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.

92. *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.*
93. *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.*
94. *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.*
95. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

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

DRAINAGE CONDITIONS

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

96. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*

- b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the 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.*
97. *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.*
98. *All site stormwater must be discharged (by gravity) to the kerb and gutter in Maroubra road or the underground drainage system in Galvin Street.*

Notes:

- a. *All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7.*
 - b. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
99. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director City Planning. 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 have to be a minimum of 2.0 metres below the base of the tank.

100. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
101. *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:

- i. *It is noted that above ground storage will not be permitted in basement car parks or in any area which may be used for storage of goods.*
 - ii. *Mulch/bark must not be used in onsite detention areas*
102. *Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.*
 103. *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).
 104. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
 105. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
 106. *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.

Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.

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

- a. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- b. prior to stormwater discharging into any absorption/infiltration system.*

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

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

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

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

108. *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 system is*

maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

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

109. 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.*

110. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority and 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:

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

111. 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.

112. *As the above site may encounter groundwater/seepage water 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) *Seepage water/groundwater must NOT be collected and discharged from the site.*
 - b) *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.*
 - c) *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).*
113. *A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing of a Construction Certificate, detailing the proposed method of excavation and dewatering. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not be limited to:*
- *The proposed method of shoring/piling and dewatering.*
 - *The zone of influence of any possible settlement.*
 - *The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
 - *Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.*
 - *The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
 - *Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises).*
 - *Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.*
 - *The location of all pumping equipment in relation to the property boundaries.*

- *The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.*
- *Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.*

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

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

WASTE MANAGEMENT CONDITIONS

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

114. *The garbage room area shall be sized to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins.*
115. *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.*
116. *The waste storage areas shall be clearly signposted.*
117. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

LANDSCAPE CONDITIONS

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

118. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Wallman Partners Pty Ltd Landscape Architects, drawing number L2, project number 02.10.2, dated March 2005, subject to the following additional requirements being provided:*
 - a. *A site plan at an appropriate scale clearly showing the position, canopy spread (location of dripline), trunk diameter, height and names of all existing*

trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. Additional notation showing irrigation details, edging, paving, fencing details, lighting details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - c. A maximum of two only Cupaniopsis anacardioides (Tuckeroo's) within the front setback (Maroubra Road frontage) of the site rather than the three currently shown in order to avoid overcrowding, as well as to avoid future security/surveillance concerns, given this species ability to attain a spread of 5 metres.*
 - d. Restriction of one tree for the deep soil setback about halfway along the eastern edge of the proposed dwelling, rather than the two currently proposed given the width of this area being only 4 metres; (consideration shall be given to the selection of a suitably sized deciduous species in this area in order to maximize solar access during the winter months).*
 - e. The provision or continuation of either a raised planter box or ground level planting along the southern edge of the proposed Unit 2 courtyard.*
 - f. The use of three Banksia integrifolia (Coastal Banksia's) and four Gordonia axillaris (Gordonia) is considered excessive given that the area is only 3.5m x 5.5m. A maximum of one medium-large tree species should be planted in the deep soil setback proposed for along the western boundary, between Units 2 and 3; with consideration to be given to the use of an appropriately sized deciduous tree to maximize solar access during winter months.*
 - g. A review of area being undertaken with a view to more appropriately spaced and selected landscape treatment being provided in this area of the site (as both the number and species of plants proposed for the landscaped area at the northern end of the site is considered excessive, potentially resulting in overcrowding which will limit the usability of this area).*
 - h. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc being shown.*
 - i. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - j. All planter boxes and garden beds constructed on slab having a minimum soil depth of 600mm.*
 - k. Location of easements within the site and upon adjacent sites (if any).*
- 119. 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.*

120. *To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas with no overspray onto hard paved areas such driveways and pedestrian paths.*

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

121. *The naturestrip on 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, prior to the issue of a Final Occupation Certificate.*
122. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines including, but not be limited to, watering, mowing, fertilising, and weeding.*
123. *Any substation required shall be screened from view. The proposed location, screening method and elevation shall be shown on all detailed landscape drawings and specifications.*
124. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to allow for the establishment of landscaping.*

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.

125. *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.*

Tree Management

126. *The applicant shall submit a total payment of \$159.50 to Council,*
- a. *Being the cost for Council to supply and install 1 x 45 litre street tree (Angophora costata, Sydney Red Gum) on the eastern side of the proposed vehicular crossing at the completion of all works (\$145.00 + GST).*

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

127. *Approval is granted for the removal of the following trees subject to the planting of a minimum number of 8 x 45 litre broad canopied replacement trees (not palms) throughout the deep soil zones of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- *One Eucalyptus species (Gum Tree) in the rear yard of 260A Maroubra Road*
- *One Olea europaea (Olive Tree) in the rear yard of 260 Maroubra Road*

- *One Archontophoenix cunninghamiana (Bangalow Palm) near the northwest corner of the site.*
128. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*
129. *Permission is granted for the selective pruning of overhanging branches from;*
- *The eastern side of the Leptospermum patersonii (Tea Tree) located in the adjoining property to the west, 258 Maroubra Road, close to the common boundary, and*
 - *The western side of the Agonis flexuosa (Willow Myrtle) located in the adjoining property to the east, 262 Maroubra Road, close to the common boundary.*

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, with all pruning work to be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

130. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$8,000 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

ADVISORY MATTERS

- A1. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Landscape Technician to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid*

into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

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

- A2. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A3. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- a) *Part E1 - Fire fighting equipment*
- b) *Part E2 - Smoke Hazard Management*
- c) *Part E4 - Emergency lighting, exit signs & warning systems*
- d) *Part F1 - Damp and weatherproofing*
- e) *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.

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

5.6 DEVELOPMENT APPLICATION REPORT - 32 RALEIGH STREET RANDWICK. (DA/959/2005)

- H67 **RESOLUTION:** *(Tracey/Procopiadis) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.959/05 for permission to carryout landscaping works, including a lily pond and hardstand carspace at 32 Raleigh 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 DA-01A, dated November 2005 and received by Council on the 6th March 2006 the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be*

shown in red on the attached plans:

2. *The colours, materials and finishes of the external surfaces to the building works are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*
3. *The proposed open style balustrade to the edge of the lily pond shall be replaced with a solid masonry balustrade.*
4. *Should the lily pond be disused/filled in at any stage in the future, a structure shall be erected to its western side to prevent access to the area previously used as a lily pond.*
5. *There must be no encroachment of any 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.*

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

4. *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.

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

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

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

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

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

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

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

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

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

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

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends

and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

11. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
 - *name, address and telephone number of the Principal Certifying Authority; and*
 - *a statement stating that “unauthorised entry to the work site is prohibited”.*
12. ***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.

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

14. *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.

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

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

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

16. *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.

17. *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.*

18. *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.

19. *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.

20. *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.

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

- 21 *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.

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

- 22 *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
- 23 *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.*
- 24 *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:

- 25 *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the driveway access shall be:*
- ***50mm above the invert of the gutter at all points opposite the gutter, along the full site frontage.***
- 26 *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

- 27 *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.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

5.7 DEVELOPMENT APPLICATION REPORT - 3 DARLEY ROAD, RANDWICK. (DA 816/2006)

Cr Sullivan declared a non-pecuniary interest in this item earlier in the meeting. See page 2 of these Minutes.

H68 **RESOLUTION: (Belleli/Nash) that:**

- A. *Council support the objection under State Environmental Planning Policy No.1 (SEPP No.1) in respect to non-compliance with clauses 32 (1) of the Randwick Local Environmental Plan 1998 (as amended) relating to Floor Space Ratio, on the grounds that the proposed development is consistent with the objectives of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*

- B. Council as the responsible authority approve development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 816/2005 for alterations and additions to existing dwelling house and conversion to child care centre for 62 children with operating hours of 6.30am-6.00pm, Monday to Friday (Heritage Conservation Area) at 3 Darley Road, Randwick subject to the following conditions:

Development consent conditions

1. The development must be implemented substantially in accordance with the plans drawing numbers A02 C, A03 C, A04 C, A05 C, A06 C, A07 C, A08 C, and received by Council and stamp dated 7 October 2005, the landscape plan no.0531 prepared by Birdwood Landscape Design and received by Council on 7 October 2005, the Noise Assessment prepared by Spectrum Acoustics dated January 2006, the amended Traffic Assessment prepared by BJ Bradley and Associates dated 13 June 2006 and any amended and additional information submitted with the application, 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 total/maximum number of children to be accommodated for at the centre at any one time shall be 40. The operator/proprietor of the centre shall provide Council with a copy of the Department of Community Services license which shall comply with the maximum number of children specified in this condition.
3. A maximum of 8 staff shall be employed at the centre at any one time.
4. The hours of operation shall be restricted to 6.30am to 6pm, Monday to Friday.
5. The proposed development shall be constructed/adapted in accordance with the NSW Children and Young Persons (Care Protection) Act 1998, and the NSW Childrens Services Regulation 2004 (Department of Community Services requirements).
6. A detailed Management Plan shall be prepared and approved by the Director of City Planning prior to the issuing of the Construction Certificate and shall outline (but not be limited to)
 - System of signing children in and out of the centre
 - How waste disposal and deliveries to and from the site will be managed
 - Times of activities for outdoor and indoor areas
 - Management of parking and stopping along the front driveway
 - The preparation of a basic manual that is to be handed out to all parents outlining that they must comply with all the general road rules e.g no double parking, u-turns into and out of the site and that they must exit the site in a forward direction and that they must obey all the general traffic rules and conditions.
 - Specify house rules to all staff relating to ensuring the centre is operated in a safe manner.
7. Outdoor play areas and outdoor activities shall be restricted to the following times only;

- *Between 8am to 10am, Monday to Friday*
 - *Between 3pm to 6pm, Monday to Friday*
8. *There shall be no more than 15 children at any one time in the outdoor play areas.*
 9. *All vehicles entering and exiting the site shall do so in a forward direction at all times*
 10. *When children are indoors all doors and windows shall to be closed in accordance with the recommendation in the noise assessment report prepared by Spectrum Acoustics and dated January 2006.*
 11. *Side and rear boundary fencing shall have a minimum height of 2.1m around all play areas. The side boundary fencing adjacent to the parking spaces can be reduced to a minimum height of 1.8m*
 12. *The location, type, style and design of the proposed mechanical plant and equipment shall be selected and approved by a Qualified Acoustic Consultant prior to the approval of the Construction Certificate being issued. In selecting the proposed mechanical plant and equipment it shall not emit noise greater than 60dBA and shall be sited a minimum of 1.5m from any side boundary. Details of the location and type of plant and equipment shall be lodged with the construction certificate along with certification from the Qualified Acoustic Consultant.*
 13. *The proposed 4 on site car parking spaces noted as “visitor” on the landscape plan shall be formally designed as “staff” parking exclusively and shall be appropriately and clearly sign posted on the ground to indicate this and limit the amount of visual signage.*
 14. *The 5th car parking space located along the western side which doubles as a “courtyard” which is noted on the landscape plan shall be deleted and this area shall become a turfed area with greater screen planting along the western boundary similar to the turfed courtyard located along the eastern side of the site. The alteration shall be noted on the construction certificate plans.*
 15. *A detailed and amended landscape plan shall be submitted with the construction certificate which shall include the following details;*
 - *Permeable paving to be included for the front driveway and associated visitor spaces.*
 - *The type and size of plants to be planted along the periphery of the driveway mainly along the northern (front) boundary. There shall be evergreen shrubs having a maximum height of 1.5m so as not to obstruct vision out and into the site.*
 - *The courtyard long the western side of the site shall be turfed and shall have larger screen plants along the western boundary which are evergreen and reach a height of 3m.*
 - *Landscaping along the front of the main dwelling shall reflect what was included in the landscape plan prepared by Birdwood and dated 23/8/05.*
 16. *Any front fence shall have a maximum overall height of 900mm and shall be*

constructed of sandstone or brick to resemble the existing brick finish of the dwelling. There shall be no electric or other gates along the driveway entry or exit. The driveway area shall remain open and unobstructed.

17. *The front of the property shall be signposted to indicate vehicular entry and exit to the site. This shall be accompanied by appropriate sign posting at the front of the site.*
18. *Any physical signage shall be limited to indicating the entry and exit to the site and allowing for one main sign to note the use. This sign shall have maximum dimensions of 900mm by 600mm and approval by Council of the content and location of the sign is to be provided prior to the approval of the construction certificate.*

Heritage Conditions

19. *The proposed building works to the main dwelling shall be totally in keeping with the approved plans (DA1203/2003) especially in relation to the scale, size, location and proportions of the roof and any associated dormer windows.*
20. *Any new proposed dormer windows shall have the same size and proportions as those approved under development application no.1203/2003.*
21. *If any existing windows are to be replaced they are to be new double hung or casement timber windows that resemble as closely as possible the existing windows in the dwelling and that of No.s 1 and 5 Darley road. Any old windows should look at being restored and being replaced in any new parts of the proposal if possible.*
22. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
23. *Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.*
24. *The design, materials and colour of the roofing to the proposed building/s are required to match, as closely as possible, the existing roof.*

Building Conditions

25. *Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.*
26. *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.

27. *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 have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

28. *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).

29. *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.*
30. *All recommendations detailed in the Spectrum Acoustics report submitted in January 2006, and additional information received on 28th February 2006 shall be fully complied with.*
31. *A plan of management shall be prepared by an acoustic consultant with regards to the use and operation of outdoor play areas. The plan of management is to be submitted to and approved by Council's Manager of Environmental Health and Building Services, prior to occupation certificate being issued for the development.*

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

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

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

34. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.*

35. *The food premises must be registered with Council's Environmental Health Section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations.***
36. *Food safety practices and operation of the premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
- *Food handling – skills, knowledge and controls.*
 - *Health and hygiene requirements.*
 - *Requirements for food handlers and businesses.*
 - *Cleaning, sanitising and maintenance.*
 - *Design and construction of food premises, fixtures, fitting and equipment.*

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

37. *The design and construction of food premises must comply with the following requirements, as applicable:-*
- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
 - *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
 - *The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
 - *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
 - *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
 - *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc to*

be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.

- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
 - *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings.*
 - *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
 - *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
 - *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*
38. *Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.*

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

39. *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.*
40. *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.*

41. *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:

42. *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.

43. *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:

44. *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.

45. *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.*

46. ***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.***

47. ***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.

48. *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.

49. *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”.

50. *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.

51. *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.

52. *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.

53. *The building is required to be provided with a smoke alarm system, which is installed in accordance with Australian Standard 3786, and be powered from the consumers main source.*

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 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:

54. *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.*
55. *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.*
56. *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.

57. *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.*
58. *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.*

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

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

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

60. *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.*
61. *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.*
62. *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.*

Traffic conditions/Civil Works Conditions

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

63. *Prior to the issuing of an occupation certificate the applicant must meet the full cost*

for Council or a Council approved contractor to:

- a. Remove the existing laybacks and construct two heavy duty concrete vehicular crossings and laybacks at kerb opposite the proposed vehicular entrance and exit to the site.*
 - b. Replace/reconstruct any damaged sections of kerb and gutter along the full site frontage except opposite the vehicular entrance and exit points.*
 - c. Reconstruct the asphalt footpath along the full site frontage except opposite the vehicular entrance and exit points.*
- 64. 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.*
- 65. 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.*
- 66. 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.*
- 67. The driveway openings at the Darley Road frontage must each be minimum 3.50 metres wide and located at least 1.0 metre clear of each side property boundary.*
- 68. Prior to the issuing of an occupation certificate, the applicant shall install suitable signposting (fronting Darley Road but located wholly within the site) clearly identifying the eastern driveway as the entry to the site and the western driveway as the exit from the site.*
- 69. Clear directional markings shall be provided within the site at the entry and exit points to show the direction of travel through the drop off/pick up area.*
- 70. Prior to the issuing of an occupation certificate, the applicant shall install 'No Right Turn' signposting located wholly within the site, adjacent to the exit (western) driveway.*
- 71. Prior to the issuing of an occupation certificate, the drop off/pick up area shall be clearly signposted with 'Drop off/pick up area – 5 minute parking only'*

72. *The front space in each stacked parking arrangement (that is, the two southernmost spaces) shall be allocated to staff parking, to minimise the potential for vehicular conflict during operating hours. Suitable linemarking and signposting shall be installed to define these staff spaces prior to the issuing of an occupation certificate.*
73. *Prior to the issue of an occupation certificate, the applicant shall submit a bond or bank guarantee to the amount of \$15,000 to cover the cost for implementing any traffic control measures in Darley Road required to manage right turn movements into the site from the east bound lane of Darley Road.*

Such measure may include installation of a concrete median island to restrict the right turn movement or provision of a formal slip lane to prevent right hand turn vehicles obstructing the flow of traffic. The traffic control measures shall be installed by Council or a council approved contractor to the satisfaction of the Randwick Traffic Committee, and all cost associated with the works shall be met by the applicant.

If traffic control measures are not required in Darley Road as a result of the childcare centre, the applicant shall make application to Council 2 years from the date of occupation for release of the bond.

Alignment Level Conditions

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

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

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.

75. *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.*
76. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

77. *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.

78. *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.*
79. *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.

Waste Management Conditions

80. *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.

81. *The waste storage areas shall be clearly signposted.*
82. *Details of a Commercial Waste Contract are to be submitted to Council's Manager of Waste for approval, and be approved, prior to the issuing of a construction certificate.*

Landscape Conditions

83. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Birdwood Landscape Design Pty Ltd, drawing number 0531, dated 23/08/05 and stamped received at Council on 7th October 2005 prior to*

the issue of a final occupation certificate and shall be maintained in accordance with those plans

Tree Management

84. *The applicant will be required to remove the following tree as part of the proposed works as it is considered an environmental weed.*
- a) *One Olea europaea var. africana (African Olive), located in the southeast corner of the site.*
85. *Permission is granted for the selective pruning of only those overhanging branches from the western side of the Jacaranda mimosifolia (Jacaranda), growing within the adjoining property to the east, 5 Darley Road, close to the common boundary, which need to be removed in order to avoid damage by site machinery during demolition/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, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

NOTE: This condition does NOT grant consent for removal of the one major branch growing through the existing fence. any new fencing along the common boundary with 5 Darley Road will need to maintain a 'cut out' section to accommodate this one major branch.

ADVISORY MATTERS:

- A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority for this development.*
- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- a) *Clause C1.10 & Specification C1.10 - Fire Hazard Properties*
b) *Clause C3.2 & C3.4 - Protection of openings in external walls*

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

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

to enable these matters to be addressed accordingly.

- A3 *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

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

- A4 *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.

- A5 *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: (Belleli/Nash) CARRIED – SEE RESOLUTION.

5.8 DEVELOPMENT APPLICATION REPORT - 55 DENNING STREET, SOUTH COOGEE. (D/0695/2005)

(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE MEETING OF THE COUNCIL ON 25TH JULY, 2006.)

H69 **RESOLUTION: (Belleli/Nash) 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 695/2005 for Alterations and additions to existing dwelling including extension of bedroom and living areas to the rear at first and second*

floor level, modification of dwelling entry, extension of existing garage from single to double garage, extension of ground floor patio to the rear, landscaping works to the rear yard including new swimming pool and spa and retractable awning over pool at 55 Denning Street, South Coogee 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 01-b, 02-b, 03-b, dated 16-04-2006 and received by Council on 16 March 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.
3. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
4. *The design, materials and colour of the roofing to the proposed building/s are required to match, as closely as possible, the existing roof.*
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. *If the rear or side boundary walls/fences or any retaining structures are adversely affected by the construction/building work the responsibility to reconstruct them is with the owner/applicant of the property.*
8. *The level of the existing garden tier (next level below the pool location) shall have its south eastern corner reflect an RL of 36.91 in accordance with the survey plans and shall be included in the construction certificate plans prior to certification occurring.*
9. *The proposed vertical privacy screens located along the southern and eastern side of the ground floor balcony (off the proposed meals room) and the associated shall be deleted and the balcony shall remain open.*
10. *To reduce the impact of the development upon the amenity of the environment and to*

protect view sharing a landscape plan shall be submitted to and approved by the Director of City Planning, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to issuing a construction certificate. The landscape plan shall include:

- a. Details of the species and height of plants proposed for the rear private space of the site, including the planting along the southern, eastern and northern boundaries. Details regarding special works to ensure the existing retaining wall located on No.2 Pearce Street, South Coogee and any subterranean pipes are protected during landscaping works.*
 - b. Details of species and height of plants proposed to the front of the dwelling, in the north western corner of the site, shall also be included.*
 - c. Porous paving should also be used in all pathways and stairs, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.*
 - d. Any planting along the southern boundary shall be restricted to hedges or evergreen shrubs that reach a maximum height of 2m from the ground level.*
- 11. The frosted/obscured glass panels located on the 2nd and 3rd floor balconies facing the northern adjoining property and located between the external walls of the bedroom 2 on the 2nd floor and living/dining room on the 3rd floor of the dwelling and the clear glass balcony balustrade shall not be altered by the development.*

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

- 12. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
- 13. New external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*
- Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*
- 14. New hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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

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

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

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

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

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

17. *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 the fences, retaining walls and driveways located upon No.2 Pearce Street, South Coogee.*

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

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

18. *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.

19. *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.*

20. ***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.*

21. *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.

22. *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.

23. *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”.

24. *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.

25. ***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.

26. *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.*

27. *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.

28. *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:

29. *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.*
30. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
31. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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

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

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

The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. *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.*

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

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

article.

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

42. *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.

43. **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.*

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

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

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

48. *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.

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

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

50. 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.

51. 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:

52. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Reconstruct/extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.
53. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature

strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

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

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

55. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
56. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

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.*

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

59. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
60. *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.

61. *Detailed drainage plans (prepared by a suitably qualified Hydraulic Engineer) shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
62. *Stormwater runoff from the site shall be discharged either:*
 - a) *To the kerb and gutter along the site frontage in Denning Street by gravity; OR*
 - b) *Through private drainage easements to Council's kerb and gutter (or underground drainage system) in Pearce Street, Crana Avenue or Wisdom Street.*

NOTE: Should the applicant be unable to obtain private drainage easements over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b); consideration may be given to the use of a pump out system for that portion of the site which cannot be drained by gravity to the kerb and gutter in Denning Street.

63. *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 required 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 Randwick City Council's Stormwater Code.

64. *All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

5.9 DEVELOPMENT APPLICATION REPORT - 31 SACKVILLE STREET, MAROUBRA. (451/2005)

- H70 **RESOLUTION:** *(Matson/Nash) that the application be deferred to enable mediation between the applicant and the objector in relation to the following points (which represent proposed conditions):*

- *The overall length of the first floor extension shall be reduced by 2.5m in order to achieve a setback from the rear boundary more in keeping with surrounding properties and reduce building bulk and minimise overshadowing;*
- *The extension on the first floor shall have a roof with a pitch of 11 degrees or less and shall not extend over the first floor balcony in order to reduce the building bulk and minimise overshadowing;*
- *The first floor balcony may be provided with a separate lightweight roof with a maximum height of 2 metres above the balcony floor level;*
- *Opaque balustrading of a minimum height of 1.2 metres shall be provided to the perimeter of the first floor balcony in order to minimise privacy loss to the neighbouring properties;*
- *A privacy screen shall be installed on the ground floor stairway facing 33 Sackville Street in order to minimise privacy loss to that property*

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

5.10 DEVELOPMENT APPLICATION REPORT - 23 KING STREET, RANDWICK. (D/797/2005)

- H71 **RESOLUTION:** *(Nash/Andrews) that*

- A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 32 (2) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum floor space ratio on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director-General of Planning be notified accordingly;*

AND

- B. Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. DA 797/2005 for demolition of existing building and construction of a new multi-unit housing building and the strata subdivision of the completed development at 23 King Street, Randwick, subject to the following deferred commencement conditions:-

DEFERRED COMMENCEMENT CONDITION

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

1. 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 finishes (i.e. a sample board keyed to **all** building elevations) are to be submitted and shall include the following:-
 - metal roof sheeting painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment
 - details and samples of the glass to be used. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent and certification of such is required with the sample board.
2. The architectural, landscape and strata plans shall be amended to clearly show the following:-
 - The southern terrace and balustrade of Unit 7 on the Second Floor level shall be deleted from the plans and elevations and replaced with roof area and doors previously accessing this area replaced with windows.
 - The deck to the western elevation of Unit No. 2 shall be reduced to an area for a landing only no greater than 1m² with the stairs leading from the courtyard to the landing located adjacent to the southern wall of the courtyard. The B-B-Q shown on the deck if required shall be into the courtyard attached to Unit No. 2.
 - The terrace to the southern elevation of Unit No. 3 shall be reduced to an area for a landing only no greater than 1m² with stairs leading to an area designated as a private courtyard for this unit allocated from the communal open space at the rear of the building. The stairs shall run down alongside the southern wall adjacent to the bedroom and both the landing and the stairs shall be screened to a height of 1.5m along the southern elevation.
 - The balcony to the western elevation of Unit No. 5 shall have its privacy screen re-located to the southern end of its western elevation and which shall also wrap around along its southern elevation. The B-B-Q shall be re-located to its southern end so as not to cause odours or smoke nuisance to the bathroom window of Unit 4.

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

DEVELOPMENT CONSENT CONDITIONS

- C. *Subject to compliance with the deferred commencement condition, to the satisfaction of the Director City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA 797/2005 for demolition of existing building and construction of a new multi-unit housing building and the strata subdivision of the completed development at 23 King Street, Randwick, subject to the following conditions:-*

DEVELOPMENT CONSENT CONDITIONS

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans prepared by Jackson Teece numbered DA-01, Issue C, dated 18 January, 2006 and DA-02 Issue D, dated 28 April, 2006 both received by Council on 2 May, 2006; DA-03 and DA-04, both Issue E, dated 21 June, 2006 and DA-05, Issue C, dated 16 January, 2006, all received by Council on 26 June, 2006; the application form and on any supporting information received with the application, **except as may be amended by the satisfaction of the deferred commencement conditions** and by the following conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENITY:

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

2. *External colours, materials and finishes shall be in accordance with those approved by the satisfaction of Deferred Commencement Condition No. 1.*
3. *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 privacy and amenity to Unit 1 and the adjoining residential development and the streetscape.*
4. *Fixed external privacy screening shall be applied to the western elevation of the living room window to ground floor level Unit No. 1 to minimise overlooking of the front courtyard of No. 21 King Street, Randwick and details shall be shown on the construction certificate plans **prior to the issue of the construction certificate.***
5. *Privacy screens to a height of 1.5m that is RL 38.1 shall be erected above the western edge of the planter in front of the ground floor windows on the western elevation of the bedroom to Unit No. 2 and the living room window to Unit No. 3. Details in satisfaction of this condition shall be shown on the construction certificate plans **prior to the issue of the construction certificate.***

6. *Fixed external privacy screening shall be applied to the western elevation of the living room window to the first floor Unit No. 6 and the bedroom window of Unit No. 5 to minimise overlooking to No. 21 King Street, Randwick and details shall be shown on the construction certificate plans **prior to the issue of the construction certificate.***
7. *The landing in front of the entry to Unit No. 4 shall be screened along its eastern and northern elevation to a minimum height of 1.5m to minimise overlooking to the windows of No. 25 King Street and details shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***
8. *Fixed external privacy screening shall be applied to the western elevation of the living room and bedroom windows to the second floor level Unit No. 7 to minimise overlooking to No. 21 King Street, Randwick and details shall be shown on the construction certificate plans **prior to the issue of the construction certificate.***
9. *All bathroom windows shall be of obscure glass and shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***
10. *A masonry fence 1.6m in height above all points along the length of the eastern side walkway and steps behind the front building alignment shall be installed at the applicant's expense to minimise overlooking to the neighbouring property (No. 25 King Street).*
11. *Storage cages shall be located above the car spaces numbered 5, 6 and 7 with details provided to the certifying authority **prior to the issue of the construction certificate.***
12. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
13. *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.*
14. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
15. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
16. *The enclosure of balconies is prohibited by this consent.*
17. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
18. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*

19. *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.*
20. *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.*
21. *Details of any proposed electricity power supply poles to be provided to service the development are to be submitted to and approved by Council's Director of Planning, prior to installation.*
22. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*
23. *In order to provide a safe and secure environment for residents, security mechanisms for pedestrian building entry shall be provided, including an audio or video intercom system located at the building entry for visitors to communicate with residents. Details shall be submitted to and approved by the principal certifying authority **prior to a construction certificate being issued** for the development.*
24. *In order to ensure that the basement car park is secure for residents and visitors a security gate to the basement car park shall be provided with intercom facilities at the car park entrance for visitors, capable of being accessed by people with a disability. Details shall be provided to the satisfaction of the certifying authority prior to the issue of the construction certificate.*
25. *Each kitchen shall have a waste cupboard provided for the separation of recycling materials and adequate storage for one day's waste. Details demonstrating compliance with these requirements shall be submitted to the certifying authority **prior to the issue of the construction certificate**.*
26. *Adequate lighting for personal safety and security shall be provided to common areas both internal and external to the building and shall be on a timer for energy efficiency purposes and adjusted for daylight saving. Details to be provided to the certifying authority **prior to the issue of the occupation certificate**.*
27. *Car spaces within the basement car park shall not be enclosed at any time.*
28. *Power supply and telecommunications cabling to the development shall be underground.*
29. *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.*
30. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction*

of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

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

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

32. *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.*

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

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

34. *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.*

35. *Appliances provided within the development must satisfy as a minimum the following energy ratings:*

- *Clothes dryers minimum 2.5 star*
- *Dishwashers minimum 3 star*
- *Clothes washers minimum 4 star*
- *Fridge minimum 4 star*

36. *Rainwater tank/s, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.*

The tank is to be located a minimum of a) 1.5m from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front

building line and is to be located at or below ground level and be incorporated into the relevant construction certificate, to the satisfaction of the Certifying Authority.

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

SECTION 94 CONTRIBUTIONS

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

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

a)	<i>for the provision or improvement of open space</i>	<i>\$5,634.40</i>
b)	<i>for the provision or improvement of community facilities</i>	<i>\$2,461.50</i>
c)	<i>\$</i>	
d)	<i>Administration fee \$425.00</i>	<i>\$ 425.00</i>

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

OCCUPATIONAL HEALTH & SAFETY AND DANGEROUS GOODS:

The following conditions are applied to ensure adequate environmental protection and occupational health and safety:

38. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

39. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority, including the following provisions:*

- Occupational Health and Safety Act 2000*
- Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and*
- The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines*

40. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall prepare a Work Plan prepared in accordance with Australian Standards AS2601-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the precautions to be employed to ensure public safety and to minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such*

works.

41. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter or equally effective methods. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*
42. *The removal, cleaning and disposal of any lead-based paints must be carried out in accordance with the relevant provisions of AS2601-2001, Demolition of Structures, The Protection of the Environment Operations Act 1997 and the requirements and guidelines of the Environmental Protection Authority.*

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).

ASBESTOS POLICY REQUIREMENTS

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

43. *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.

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

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

- *The name, address, contact details and licence number of the Demolisher*

/Asbestos Removal Contractor

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

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

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

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

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

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

NOISE EMISSION CONDITIONS:

The following conditions have been applied to ensure that noise emissions from the

development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

49. *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).

50. *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.*

51. *The installation of rainwater tanks and greywater treatment systems shall comply with the following noise control requirements:-*

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

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

- b) *Plant and equipment associated with rainwater tank(s) and greywater treatment systems are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

- c) *The operation of plant and equipment associated with the rainwater tank(s) and greywater treatment systems are to be restricted, if the noise emitted can be heard within a habitable room in any other residential premises:*

- *before 8.00am or after 8.00pm on weekends or public holiday; or*
- *before 7.00am or after 8.00pm on weekdays.*

52. *A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development including the car turntable and associated plant and equipment**, which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control*

Manual & Industrial Noise Policy and relevant conditions of approval.

53. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services. The report is to include (but not be limited to) noise generated by the car stacker and associated plant and equipment.*

ENVIRONMENTAL POLLUTION & CONTROL:

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

54. *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.*
55. *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.***

PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS:

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

56. *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.

57. *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.*
58. ***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.***
59. ***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.

60. *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.

61. *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”.

62. *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.

63. *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.

64. *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.*

65. *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.

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

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

STRUCTURAL ADEQUACY:

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

67. *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.

68. *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**.*

69. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e.*

including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah 's, fences, retaining walls, swimming pools and driveways etc.) located upon:

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

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

70. *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.***
71. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

CONSTRUCTION SITE MANAGEMENT:

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

72. *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.*
73. *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.*
74. *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.

75. *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.*

76. *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.

77. *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.*

78. *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.*

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

79. *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.

80. *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.*
81. *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.

82. *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.*
83. *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.*
84. *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.

85. *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.*

86. *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.

87. *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.

88. *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.*

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

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

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

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

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

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

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

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

- *Install or erect any site fencing, hoardings or site structures*

- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip (greater than 3m in length) or any container or other article.

Security Deposit Conditions

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

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

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

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

- *A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and*
- *Completion of the civil works as conditioned in this development consent by Council.*

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

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

Traffic conditions/Civil Works Conditions

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

92. *The vehicular access to the basement carpark and the basement carpark (including the driveway gradients, carpark layout and height clearances) shall be in accordance with Australian Standard 2890.1 (2004) and shall be certified as such by a suitably qualified engineer to the satisfaction of the certifying authority **prior to the issue of the construction certificate.***

93. ***Prior to the issuing of an occupation certificate,** the applicant shall enter into a service contract with the supplier of the turntable. This contract shall include but not be limited to the provision of a technician to attend the site and perform monthly service calls, as well as provide 24 hour service to repair the turntable in the event of mechanical failure.*

94. *The applicant must meet the full cost for Council or a Council approved contractor*

to:

- a) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site.*
 - b) *Reconstruct the kerb and gutter for the full site frontage except opposite the vehicular entrance and exit point (including all associated road works).*
 - c) *Reconstruct the concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
95. *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.*
96. *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.*
97. *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.*
98. *The driveway opening at the King Street frontage must be 3.00 metres wide and located at least 1.5 metres clear of the side property.*
99. *A Works Zone is to be provided in King 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.

Alignment Level Conditions

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

100. *The Council's Development Engineer has inspected the above site and has*

*determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must **match the back of the existing footpath along the full site frontage.***

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.

- 101. 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.*
- 102. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$393 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

SERVICE AUTHORITY CONDITIONS

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

- 103. 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.*
- 104. 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.*
- 105. 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.*
- 106. 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.*
- 107. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.*

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under

Developing Your Land” or telephone 13 20 92 for assistance.

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

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

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

DRAINAGE CONDITIONS

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

108. *The floor level of all habitable and storage areas shall be at a minimum RL of 36.45 (AHD).*

Note: The submitted plan DA-02 Issue D demonstrates compliance with this requirement.

109. *The proposed internal driveway must be designed with a high point across the full width of the driveway, at a minimum RL of 36.30 (AHD).*

Note: The submitted plan DA-05 Issue C demonstrates compliance with this requirement.

110. *All windows, vents and other openings into the basement carpark along the King Street frontage (excluding the driveway opening) must be located at least 500mm above the determined 1 in 100 year flood level (i.e. at a minimum RL of 36.45 (AHD)).*

111. *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.*

112. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The*

drawings and details shall include the following information:

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the 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.*
113. *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.*
114. *Where possible, site stormwater must be discharged (by gravity) to the kerb and gutter or underground drainage system at the front of the site in King Street. Stormwater runoff that cannot be drained by gravity to King Street, must be discharged either:*
1. *To council's street drainage system in John Lane by gravity via a private drainage easement through an adjoining private property (or properties); OR*
 2. *To an infiltration system designed in accordance with Council's requirements (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*

Should the applicant demonstrate that all reasonable attempts to procure a private drainage easement/s have failed, and the ground conditions preclude the use of infiltration, a pump system may be permitted. The pump 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.

115. *Should stormwater be discharged to Council's street drainage system/s, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. 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 have to be a minimum of 2.0 metres below the base of the tank.

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

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

117. *Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

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

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

- a) *300mm in landscaped areas (where child proof fencing is not provided around*

- the outside of the detention area and sides slopes are steeper than 1 in 10)*
- b) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
 - c) *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

Notes:

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

120. *The stormwater detention area (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*

121. *The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level 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).

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

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

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

125. *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.

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

- a) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- b) *prior to stormwater discharging into any absorption/infiltration system.*

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

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

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

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

127. *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).*
128. *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 to the satisfaction of the PCA.*

129. *Should the above site encounter groundwater/seepage water 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 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 groundwater/seepage 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).*

WASTE MANAGEMENT

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

130. *The waste storage area shall be sized to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins.*
131. *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.*
132. *The waste storage areas shall be clearly signposted.*
133. *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.

STRATA SUBDIVISION

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

134. *A positive covenant shall be registered in conjunction with the plan of subdivision stating that the Owners Corporation will be responsible for ensuring that all full bins are safely transferred from the basement to the kerbside for collection each week using an appropriately dimensioned vehicle.*
135. *A by-law shall be created within the strata scheme such that the maintenance of the Camphor Laurel tree, such as pruning, etc, within the courtyard of Unit No. 2 shall be the responsibility of the Owners Corporation during the life of the tree and should the*

tree require removal then this also shall be the responsibility of the Owners Corporation.

136. *One car parking space shall be allocated to each unit on the strata plan.*
137. *A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention/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 the "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.*
138. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
139. *All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
140. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

LANDSCAPE CONDITIONS

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

141. *Landscaping at the site shall be installed substantially in accordance with the Landscape Planting Plan, prepared by Michael Siu, Landscape Architects Pty Ltd, drawing number L01/1-R9019, revision B, dated 30.03.06 and stamped received at Council on 2nd May 2006, subject to the following additional requirements being shown on an amended plan, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
- a. Existing and proposed ground levels shown as spot heights over the site, at site boundaries, and at the base of the trees to be retained, including the Jacaranda mimosifolia (Jacaranda) located in the front yard of 21 King Street.*
 - b. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - c. All planter boxes and garden beds constructed on slab must have a minimum soil*

depth of 600mm.

142. *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.*
143. *To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all landscaped areas, to current Sydney Water requirements.*
144. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
145. *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.*
146. *Any substation required shall be screened from view. The proposed location, screening method and elevation shall be shown on all detailed landscape drawings and specifications.*
147. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

TREE MANAGEMENT

148. *Approval is granted for the removal of all vegetation within the site, with the exception of the Cinnamomum camphora (Camphor Laurel) along the western boundary which is to be retained, subject to the implementation of landscaping treatment in accordance with the landscape plan which is approved for the construction certificate.*
149. *Prior to the issue of a construction certificate, the applicant will be required to submit confirmation in the form of a written statement, that a site Arborist has been engaged for the duration of site works. The Arborist shall be a registered member of a nationally recognized organization, with a minimum qualification of Certificate 4 in Arboriculture.*
150. *Permission is granted for the selective pruning of:*
 - a) *Only those lower growing, overhanging branches from the eastern side of the Jacaranda mimosifolia (Jacaranda) located in the front yard of the adjoining property to the west, 21 King Street, close to the common boundary, which*

need to be removed to accommodate/avoid damage from site machinery, scaffolding and approved building lines. 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.

- b) Only those branches on the eastern side of the Cinnamomum camphora (Camphor Laurel) located in the rear yard, along the western boundary which need to be removed to accommodate/avoid damage from site machinery, scaffolding and approved building lines, in accordance with Section 4 of the Arborists Report prepared by Peter A Richards, of Tree and Landscape Consultants, dated 11th October 2005 and stamped received at Council on 26th October 2005.*
- c) Only those branches from the eastern side of the Harpephyllum caffrum (Kaffir Plum) located in the rear yard of the adjoining property to the west, 21 King Street, close to the common boundary, which need to be removed to accommodate/avoid damage from site machinery, scaffolding and approved building lines. 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 shall be undertaken in accordance with the requirements of Section 4 of the Arborists Report prepared by Peter A Richards, of Tree and Landscape Consultants, dated 30th January 2006 and stamped received at Council on 27th March 2006 (the Arborists Report)*

151. Prior to the issue of a final occupation certificate, the Arborist (on behalf of the applicant) shall submit a brief written statement, to the satisfaction of the certifying authority, confirming compliance with those conditions which relate to the pruning of trees both within the site and on adjoining properties.

Tree Protection Measures

- 152. In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda) tree located in the front yard of the adjoining property to the west, 21 King 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 its retention with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 1.5 metres off the western and northern boundaries adjacent to its trunk to completely enclose the tree.*
 - c. This fencing shall be installed prior to the commencement of demolition and*

construction works and shall remain in place until all works are completed, and will have signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".

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

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

- e. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems and paving within 2 metres of either the western or northern boundaries, adjacent its trunk, shall be undertaken by hand and under the direction of, and to the satisfaction of the site Arborist, with all roots being cleanly cut by hand and the affected area backfilled as soon as practically possible.*
- f. Prior to the issue of a final occupation certificate, the site Arborist will be required to submit a brief written statement, to the satisfaction of the certifying authority, confirming compliance with the protection measures listed in this consent during the course of the works.*

153. In order to ensure the retention of the Cinnamomum camphora (Camphor Laurel) located in the rear yard of the adjoining property to the west, 21 King 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 its retention 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 within a distance of 3 metres from the western boundary, adjacent its trunk.*
- c. The tree is to be physically protected by the installation of protective fencing in accordance with the requirements listed in Table 3, Column G of the Arborist's Report prepared by Peter A Richards, of Tree and Landscape Consultants, dated 11th October 2005 and stamped received at Council on 26th October 2005 (the Arborist's Report).*
- d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*

Any works required within this zone shall be under the direction of, and to the

satisfaction of, the site Arborist.

- e. Any excavations associated with the basement shall be undertaken by hand, by, or under the supervision and direction of, the site Arborist, with any roots to be cut cleanly back to healthy woody tissue and treated with a root growth hormone. Mechanical excavation can be undertaken below depths of 1 metre.*
 - f. Structural soil as a fill material should be used where appropriate, in accordance with Section 5.3.4 of the Arborists Report, to the satisfaction of the site Arborist.*
 - g. Prior to the issue of a final occupation certificate, the site Arborist will be required to submit a brief written statement, to the satisfaction of the certifying authority, confirming compliance with the tree protection measures listed in this consent during the course of site works.*
- 154. In order to ensure the retention of the Harpephyllum caffrum (Kaffir Plum) located in the rear yard of the adjoining property to the west, 21 King 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 its retention with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b. The tree is to be physically protected by the installation of protective fencing as per the requirements of Section 6 of the Arborist's Report prepared by Peter A Richards, of Tree and Landscape Consultants, dated 11th October 2005 and stamped received at Council on 26th October 2005 (the Arborist's Report), to the distances specified in Table 2.*
 - c. 75x75x200mm hardwood planks are to be lain over a mulched area to a depth of 100mm with organic material being approximately 75% leaf litter and 25% wood to distribute weight and to minimise compaction of soil profiles beneath, within the tree protection zone setbacks identified in Section 7, Table 2, Column G of the Arborist's Report. Timber lengths are to be secured on top to avoid movement of the structure.*
 - d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*

Any works required within this zone shall be under the direction of, and to the satisfaction of, the site Arborist.
 - e. Any proposed paving surfaces within the protection zone identified in Section 7, Table 2, Column G of the Arborist's Report is to be of a porous nature to ensure water infiltration and gaseous exchange to the rootzone is maintained.*
 - f. Any excavations within the setbacks identified in Section 7, Table 2, Column G*

of the Arborist's Report is to be undertaken by hand to establish the presence of any woody roots that may be present. If any roots are encountered with a diameter greater than 50mm, construction is to be undertaken in accordance with Section 5.3.2(A) of the Arborist's Report. Any roots with a diameter of 50mm or less are to be treated in accordance with Section 5.3.2(B) of the Arborist's Report.

- g. Prior to the issue of a final occupation certificate, the site Arborist will be required to submit a brief written statement, to the satisfaction of the certifying authority, confirming compliance with the tree protection measures listed in this consent during the course of site works.*

155. In order to ensure the retention of the two Melaleuca quinquinervia (Broad Leafed Paperbarks) located in the rear yard of the adjoining property to the east, 25 King 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 their retention with the position of their trunks and full diameter of their canopies clearly shown on all drawings.*
- b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels within a distance of 1.5 metres from the common boundary, beneath their driplines.*
- c. 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 metre from the common boundary for the full width of their driplines, and will have signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

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

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

Any works required within this zone shall be under the direction of, and to the satisfaction of, the site Arborist.

- e. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 2 metres of the common boundary shall be undertaken by hand and under the direction of, and to the satisfaction of, the site Arborist with all roots being cleanly cut and the area backfilled as soon as practically*

possible.

156. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$5,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- 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.*
157. *To facilitate release of the bond, the applicant shall provide Council with certification from a suitably qualified Landscape Architect (who is eligible for membership with the Australian Institute of Landscape Architects), confirming that they have inspected the site 12 months after the issue of an occupation certificate and that the landscape works have been implemented and maintained in accordance with the conditions of development consent and approved landscape plans.*

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 |
| f) | Clause C3.2&C3.4 | - | Protection of openings in external walls |
| 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, in particular, the carpark |
| 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.*

MOTION: (Woodsmith/Matson) that Development Application No. DA 797/2005 for demolition of the existing building and construction of a new multi-unit housing building and the strata subdivision of the completed development at 23 King Street, Randwick, be refused for the following reasons:

1. The proposed development exceeds Council's maximum floor space control of 0.65:1 and the degree of non-compliance is considered unreasonable and unnecessary in that the development will create an excessive amount of bulk and, as such, the SEPP No. 1 objection is not considered to be well founded.
2. The proposed development will adversely affect adjoining properties in respect to the design, siting, bulk and scale of the building.
3. The proposal fails to satisfy the objectives of the 2C zone within Randwick Local Environmental Plan 1998.
4. The proposal fails to comply with Section 4.2 (Privacy) of Council's Development Control Plan for Multi-unit Housing in that the development will create an unreasonable amount of overlooking to immediately adjoining properties.
5. The proposal fails to comply with the minimum average requirements Section 3.3 (Setbacks) of Council's Development Control Plan in respect to setbacks and the siting of the development is considered to be too close to the boundaries adding to the bulk and overdevelopment of the site.
6. The proposal fails to comply with the minimum requirements for off-street car parking as outlined in Council's Development Control Plan No. 2 – Car Parking.
7. The proposal is considered to be an overdevelopment of the site. **LOST.**

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

Crs Matson and Woodsmith rose and demanded a DIVISION.

The DIVISION was then taken and the names of the Councillors voting for and against the motion were as follows:

FOR	AGAINST
Cr Andrews	Cr Belleli
Cr Bastic	Cr Hughes
Cr Nash	Cr Matson
Cr Notley-Smith	Cr Tracey
Cr Procopiadis	Cr Woodsmith
His Workship the Mayor (Cr Seng)	-
Cr Sullivan	-
Cr White	-

5.11 DEVELOPMENT APPLICATION REPORT - 48A MIDDLE STREET, KINGSFORD. (DA/151/2006)

Having declared a non-pecuniary interest in this matter earlier in the meeting (see page 2 of these Minutes), Cr Sullivan left the meeting during the vote on the matter.

H72 RESOLUTION: (Matson/Procopiadis) 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 151/2006 for Change of use of existing residential structure at 48A Middle Street to be used in conjunction with existing approved Long Day Care Centre located at the rear of the subject site and at 9 Kennedy Street resulting in an additional 16 spaces therefore providing a total of 48 spaces and 8 staff at 48a Middle Street, Kingsford NSW 2032 subject to the following conditions:-*

Development consent conditions

- 1. The development must be implemented substantially in accordance with the plans drawing numbers 0336 DA 1.01_C, dated 06.03.06 and received by Council as via email on 6th June 2006, the Traffic Assessment reports prepared by Parsons Brinckerhoff and on dated 5th June 2006 and 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 hours of operation of the Child care centre are restricted to 7am to 7pm Monday to Friday.*
- 3. The Department of Community Services (DOC's) requirements must be complied with at all times.*
- 4. Outdoor play areas shall be restricted to the following times:*

- 9am to 11am Monday – Friday
 - 2pm to 5pm Monday - Friday
5. *A maximum of 16 Children shall be accommodated at the subject property. A copy of the approved DOC's licence shall be provided to Council ensuring the maximum no. of children complies with this condition.*
 6. *The proposed air-conditioning unit located in between the subject property and 46 Middle Street shall be deleted.*

Building Services

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

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

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

8. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
9. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
10. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
 - i. *appoint a Principal Certifying Authority for the building work, and*
 - ii. *appoint a principal contractor for the building work and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii. *notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv. *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*
11. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's*

development consent and the construction certificate.

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

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

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

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

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

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

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

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

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

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

15. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building*

work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.

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

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

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

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

Details of the principal building are to be submitted to Council prior to the commencement of works, with the notice of appointment of the PCA / notice of intention to commence building work.

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

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

- 17. 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.*
- 18. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
- 19. 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 (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

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.

20. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
21. *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.*
22. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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

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

23. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
24. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
25. *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.

26. *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.

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

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

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

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

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

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

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

The following conditions are applied to protect the occupants and firefighters in the event of fire:-

30. *The existing levels of fire safety and amenity within the building are to be upgraded, in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied. A Construction Certificate must be obtained for the subject works and the upgrading works are required to be implemented and completed prior to issue of an Occupation Certificate:-*
- a) *Provide emergency lighting to the building, in accordance with the provisions of Clauses E4.2 and E4.4 of the Building Code of Australia and AS/NZS 2293.1 (1998).*
 - b) *Provide exit signs to the Building, to satisfy the provisions of Clause E4.5 and E4.7 of the Building Code of Australia and AS/NZS 2293.1 (1998). Exit signs must be visible at all times to indicate the way to a position of egress from the*

building to the satisfaction of Council.

- c) *Provide portable fire extinguishers and a fire blanket to the kitchen, to satisfy the provisions of Clause E1.6 of the Building Code of Australia of Australia and AS 2444 (1995).*

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:

31. *A 2.2 metre high brick/masonry fence should be built along the eastern childcare centre boundary facing 48 Middle Street. The noise screen should extend from Kenneth Lane to the end of the 2-5 year old grassed play area.*
32. *A detailed Management Plan shall be prepared and lodged with Council prior to the approval of the Construction Certificate and shall outline (but not be limited to)*
 - *System of signing children in and out of the centre*
 - *How waste disposal and deliveries to and from the site will be managed*
 - *Times of activities for outdoor and indoor areas*
 - *Management of parking and stopping along the Kenneth Lane car spaces*
 - *The preparation of a basic manual that is to be handed out to all parents outlining that they must comply with all the general road rules e.g. no double parking, that exiting via Botany Lane onto Barker Street is not advisable due to safety, they are required to adhere to drop-off and pick-up times and that they must obey all the general traffic rules and conditions.*
 - *Specify house rules to all staff relating to ensuring the centre is operated in a safe manner.*
 - *That access to the Child Care Centre from Kennedy Street be restricted to only staff members of the Child Care Centre.*
33. *A 2.2 metre high solid fence should be built along the full length of the outdoor play area on the northern boundary.*
34. *The number of children at play at any one time in each play area should be limited to 14.*
35. *Elevated children's climbing equipment should be restricted to a maximum height of 2m above ground level.*
36. *All hard-paved areas and pathways within the children's play area should be covered with a rubberised backed material.*
37. *All external pedestrian gates should be fitted with appropriate door closers to provide slow and regulated closing of the gate to prevent the generation of impact sound.*
38. *The capacity of the childcare centre is restricted to a maximum of 48 children.*
39. *The number of children at play at any one time in each play area shall be limited to fourteen (14).*
40. *Elevated children's climbing equipment shall be restricted to a maximum height of 2m*

above ground level.

41. *All hard-paved areas and pathways within the children's play area shall be covered with a rubberised-back material.*
42. *All external pedestrian gates shall be fitted with appropriate closers to provide a slow and regulated closing of the gate to prevent the generation of impact sound.*
43. *Solid fences of 2.2 meters shall be built along the property's southern boundary facing 48 Middle Street, along the northern boundary facing residents in Kennedy Street and along the western boundary facing the residence at 11 Kennedy Street. These boundaries are to be constructed of durable material with sufficient mass to prevent direct noise transmission.*
44. *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

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

45. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
46. *The report titled Proposed Childcare centre 9 Kennedy Street and 48A Middle Street Environmental Impact Assessment dated 7 March 2006 prepared by Renzo Tonin & Associates, and the recommendations contained within, form part of this approval.*
47. *The operation of air conditioning unit/s is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the air conditioning unit/s shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*
 - *before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or*
 - *before 7.00am or after 10.00pm on any other day.*
48. *The project specific criteria for noise emissions shall be in accordance with the acoustical report dated 7 March 2006, prepared by Renzo Tonin & Associates, when measured at the nearest affected boundary:*

	Day (7am – 6pm)	Evening (6pm – 10pm)
All receivers	45 dB(A)	45 dB(A)

49. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within one (1) month of 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 Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

The report is to include (but not be limited to) assessment of the potential noise emissions generated by children's activities both inside and outside and the operation of mechanical plant and equipment. The report is also to consider the potential noise nuisance to the nearest receiver (46 Middle Street) generated by the air conditioning unit located at 48A Kennedy Street Kingsford,

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

50. *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.*

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

51. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.*
52. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
- *Food handling – skills, knowledge and controls.*
 - *Health and hygiene requirements.*
 - *Requirements for food handlers and businesses.*
 - *Cleaning, sanitising and maintenance.*
 - *Design and construction of food premises, fixtures, fitting and equipment.*
53. *A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.*
54. *The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, prior to commencement of food business operations.*
55. *Upon completion of the work and prior to the issuing of an occupation certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.*

56. *The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.*
57. *The design and construction of food premises must comply with the following requirements, as applicable:-*

- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
- *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
- *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*

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

- *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
- *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars are to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
- *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *Wash hand basins must be provided in convenient positions, with hot and cold*

water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.

- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
- *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*

58. *Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.*

The following condition is included to satisfy building requirements for Child Care Centres:

59. *A statement is to be provided to Council containing details stipulating "the building will be constructed/adapted in accordance with the NSW Children and Young Persons' (Care and Protection) Act 1998, and the NSW Children's Services Regulation 2004.*

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*
- b) Part D3 - Access for people with disabilities*
- c) Part E1 - Fire fighting equipment*
- d) Part E4 - Emergency lighting, exit signs & warning systems*

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

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

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: (Matson/Procopiadis) CARRIED – SEE RESOLUTION.

6. MISCELLANEOUS.

6.1 DIRECTOR, CITY PLANNING REPORT 59/2006 - CLEARING OF VEGETATION IN LOT 66 OF THE PRINCE HENRY SITE. (DA/763/2004)

H73 **RESOLUTION: (Sullivan/White) that:**

- a) *the report be received and noted.*
- b) *Landcom be requested to undertake the necessary action detailed in the recommendation of the bushland management consultant, Ms Judith Rawling.*

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

6.2 DIRECTOR, CITY PLANNING REPORT 60/2006 - PRINCE HENRY MASTERPLAN (DEEMED DCP) - PROPOSED AMENDMENT MAY 2006. (F2006/00306)

H74 **RESOLUTION: (Belleli/Woodsmith) that Council:**

- a) *in relation to Lot 65 DP 270427, the Proposed Masterplan Amendment for the Prince Henry Site at Little Bay, dated May 2006, be varied by removing the proposed change in building height and the loft.*
- b) *in relation to the western portion of Lot 75 DP 270427, the Proposed Masterplan Amendment for the Prince Henry Site at Little Bay, dated May 2006, be adopted;*
- c) *the Proposed Masterplan Amendment be varied by resolving that the 6 public car parking spaces proposed to be removed on new road No. 6 remain unchanged in the Prince Henry Site Masterplan; and*
- d) *Council continue to discuss and liaise with Landcom towards achieving the preferred*

community outcome for the western end of Harvey Street.

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

6.3 DIRECTOR, CITY PLANNING REPORT 61/2006 - DEVELOPMENT APPLICATION (DA) APPLICANT SURVEY 2006. (F2005/00866)

H75 **RESOLUTION:** *(Nash/Belleli/)* that the report be received and noted.

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

His Worship the Mayor (Cr Seng) was not present at the meeting during the vote on the above resolution.

7. NOTICE OF RESCISSION MOTIONS.

7.1. A Notice of Rescission Motion in relation to Item 5.8 (Development Application Report – 55 Denning Street, South Coogee), in the names of Crs Andrews, Matson and Bastic, was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting to be held on Tuesday, 25th July, 2006.

The meeting closed at 9:54 p.m.

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CHAIRPERSON