

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 8TH AUGUST 2006 AT 6:55 P.M.**

PRESENT:

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

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

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley (from 8.33pm) & 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

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.
Manager Administrative Services	Mr. D. Kelly.

The meeting was adjourned at 6.56 pm and was resumed at 7.12 pm.

1. APOLOGIES.

Nil.

2. MINUTES.

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

H76 **RESOLUTION:** (*Belleli/Matson*) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 11th July, 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

- (a) Crs Andrews, Bastic, Daley, Procopiadis, Sullivan, Tracey and White declared a non pecuniary interest in Item 5.2, Development Application Report - 135-139 Alison Road, Randwick as they are all members of the Randwick Labor Club.
- (b) Cr Kenny declared a pecuniary interest in Item 5.4, Development Application Report – 47 Denning Street, South Coogee as he lives across the road and both his mother and grandmother are objecting to the proposal.
- (c) Cr Sullivan declared a non pecuniary interest in Item 5.3, Development Application Report – 65 Macquarie Street, Chifley as aspects of his job are involved in 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 68/2006 - 24 STEPHEN STREET, RANDWICK - SECTION 96 APPLICATION.

The Applicant Mr Michael Homsey 24 Stephen Street, Randwick

5.2 DEVELOPMENT APPLICATION REPORT - 135-139 ALISON ROAD, RANDWICK.

The Applicant Mr Damien Barker Level 3, 101 Sussex Street, Sydney

5.3 DEVELOPMENT APPLICATION REPORT - 65 MACQUARIE STREET, CHIFLEY.

The Objector Ms Linda Holloway 1251 Anzac Parade, Chifley

The Applicant Mr N Ahmad 26 Nix Avenue, Malabar

5.4 DEVELOPMENT APPLICATION REPORT - 47 DENNING STREET, SOUTH COOGEE.

The Objector Ms Mary Quilkey 62 Denning Street, South Coogee

The Applicant Mr Adam Cogan 47 Denning Street, South Coogee

5.5 DEVELOPMENT APPLICATION REPORT - 46 WOLSELEY ROAD, SOUTH COOGEE.

The Objector Ms Annette Downie 17 Garnet Street, Coogee

The Applicant Mr Michael Beris 46 Wolseley Road, South Coogee

5.6 DEVELOPMENT APPLICATION REPORT - 28 BELL STREET MAROUBRA.

The Applicant Mr Lance Johnson 28 Bell Street, Maroubra

The meeting was adjourned at 8.06 p.m. and was resumed at 8.33 p.m.

5. DEVELOPMENT APPLICATIONS.

5.1 DIRECTOR, CITY PLANNING REPORT 68/2006 - 24 STEPHEN STREET, RANDWICK - SECTION 96 APPLICATION. (DA/485/2005/B - PROP047951)

H77 **RESOLUTION:** *(Woodsmith/His Worship the Mayor, Cr. T. Seng) that:*

A. *That Council as the responsible authority grant consent under Section 96 of the Environmental Planning & Assessment Act 1979 (as amended) to modify Development Consent No. 485/2005/B on property 24 Stephen Street, Randwick NSW 2031 in the following manner:-*

Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered 01, 02, 03, 04 and 05 , dated 6 September 2005 and received by Council on 5 September 2005, the application form and on any supporting information received with the application, as amended by the:

- *Section 96A plans dated 25 October 2005 and received by Council on 26 October 2005; and,*
- *Section 96B plans dated 17 July 2006 and received by Council on 21 July 2006;*

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

Insert Condition No. 54 to read:

Details of the proposed colours and materials of the aluminium louvres 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.

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

5.2 DEVELOPMENT APPLICATION REPORT - 135-139 ALISON ROAD, RANDWICK. (D/0128/2006 - PROP003765)

H78 **RESOLUTION:** *(Tracey/Andrews) that:*

A. *Council as the responsible authority grant its development consent under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 0128/2006 for the internal alterations and refurbishment*

of the Randwick Labor Club by redesigning the internal areas creating new function rooms, administration areas, new lounge and gaming area, new cool rooms, reconfigure the basement carpark and new front balconies as well as new internal stairs and fire upgrade at 135-139 Alison Road, Randwick, subject to the following conditions:

- 1. The development must be implemented substantially in accordance with the plans numbered DA.02, DA.03, DA.04, DA.05, DA.06, DA.07, DA.08, DA.09, and DA.10 all Issue A, and stamped received by Council on 1 March 2006, the application form and on any supporting information received with the application, except as may be amended by the details submitted to satisfy the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:*
- 2. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted to the certifying authority, prior to the commencement of works.*
- 3. 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.*
- 4. Details of the proposed new signage at the front north elevation shall be submitted to the Director of City Planning for approval prior to the issue of a construction certificate.*
- 5. The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.*
- 6. All loading and unloading associated with the use or operation of the premises shall be carried out within the designated loading dock*
- 7. No goods or machinery or advertising signs are to be placed on Council's footway at any time.*
- 8. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
- 9. 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.*
- 10. Appliances provided within the development must satisfy the following energy ratings:*
 - Dishwashers minimum 3 star*
 - Air conditioners minimum 4 star*
 - Fridge minimum 4 star*

The following conditions are applied to ensure all works within Council's road reserve are undertaken in accordance with the appropriate legislation and to Council's satisfaction:

11. *Consent under section 138 of the Roads Act 1993 shall be obtained from the RTA for erection of the balconies and extension of the existing stairs along the Alison Road site frontage. The Section 138 consent shall be obtained prior to the commencement of any works in the road reserve.*

A copy of the Section 138 consent shall be forwarded to the certifying authority prior to works commencing in the road reserve.

12. *All works on the balconies and extension of the existing stairs along the Alison Road site frontage shall be undertaken by a Council approved contractor. The contractor engaged to undertake the works must hold full public liability in relation to any claims sustained as a result of the works.*

The contractor must keep a policy of public risk insurance with respect to the works on Council property. The limit of public risk shall be not less than \$20,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the proposed balcony area or the public footway directly beneath the balcony or the area of the proposed new stairs.*
 - b. *The policy must name the Council as the owner and the contractors undertaking the work as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
 - c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be submitted to Council prior to the commencement of work on Council property.*
13. *A minimum 2 metre wide unimpeded pedestrian footway shall be maintained along the Alison Road site frontage at all times during the construction works.*
 14. *Prior to erecting any scaffolding/formwork to facilitate works on the balcony structures, the applicant shall obtain an A-class hoarding permit. The applicant is advised to Contact Council Building Certification Unit (9399 0878) regarding this matter.*
 15. *The balconies in Alison Road shall be designed to ensure that stormwater runoff from the balconies is directed back into the site stormwater system.*
 16. *Prior to the issue of an occupation certificate, the applicant shall enter into a formal lease agreement with Council for use of the balconies located over the footpath (in public airspace). All costs associated with the rental evaluation, ongoing lease fees, lease preparation and legal costs incurred by the lessor (and lessee) shall be covered by the lessee. It is noted that the lease must be approved by the Department of Planning in accordance with Section 149 of the Roads Act 1993.*

The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal lease agreement.

17. *Prior to an occupation certificate being issued for the development, a positive covenant under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-*

- i. *The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the balconies and stairs located over the public footway along the Alison Road site frontage, with all works being undertaken to the satisfaction of Council. The area shall be maintained in a clean, tidy and safe condition at all times;*
- ii. *The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims, demands, writs etc. sustained as a result of the balconies and stairs located over the public footway along the Alison Road site frontage;*
- iii. *The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the balconies and stairs along the Alison Road site frontage. The limit of public risk shall be not less than \$20,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.*

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the balcony areas, the public footway beneath the balcony or the new stairs.*
- b. *The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
- c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the registered proprietors of the Lot(s) burdened to the Council.*
- iv. *The registered proprietors of the Lot(s) burdened to ensure that no structures are erected, nor goods stored, nor any work carried out in, on or over the public footway other than those approved by Council and the RTA.*
- v. *The registered proprietors of the Lot(s) burdened to meet the full cost for the balconies located over Council's footpath to be removed (and the area reinstated to the satisfaction of Council), if either:-*
 - *The duration of the lease agreement (for use of public airspace) expires and a new lease is not entered into; or*

- *The lessee fails to comply with the terms of the lease agreement and/or Council determines that the balconies are posing a safety hazard.*

The positive covenant must not be released, varied or modified without the consent of the Council.

The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the positive covenant shall be met by the applicant.

18. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

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

19. *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.*
20. *Written confirmation from the service authorities confirming that they do not object to the proposed location of the new stairs along the Alison Road site frontage shall be submitted to the certifying authority prior to the issuing of a construction certificate.*
21. *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.*
22. *The registered proprietor of the development site shall abide with any directive given by any public utility authority in relation to access requirements to any utility within the footpath area along the site frontage.*

The following conditions have been applied to ensure compliance fire safety controls:

23. *The fire safety works identified in the recommendations made in the Warrington Fire Research (Aust) Pty Ltd report dated 21 December 2005 (which includes recommendations made by Paraclete Building Consultants Pty Ltd report dated 11 July 2005) are to be included in the Construction Certificate application and associated fire safety schedule.*
24. *Progress reports detailing the fire safety works and which include the relevant certification/fire safety certificates, are to be submitted to the Director City Planning on a six monthly basis.*
25. *A detailed report prepared by the fire safety consultant must be submitted to the Director City Planning upon completion of each stage of works (Stages 1 & 2), as*

identified in the fire safety report.

26. *A final fire safety certificate must be submitted to Director City Planning upon completion of each fire safety measure.*

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:

27. *The L10 noise level emitted from the licensed premises shall not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

28. *The Acoustic report and recommendations prepared by Wilkinson Murray, report number 06132 Version A dated June 2006 titled “Proposed Upgraded Fit out Randwick Labour Club Noise Assessment” shall be incorporated to form part of this consent, including (but not limited to);*

- a) There shall be no food or drink permitted on the balconies*
- b) As part of the management plan, regularly monitor the number of patrons occupying the balconies and their behaviour*
- c) Minimal furniture is to be provided to the balconies, including stools only*
- d) Doors are to automatically close when patrons enter or exit the balconies*
- e) The maximum capacity on each balcony is 20 persons*

29. *The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.*

Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.

30. *A plan of management shall be submitted to and approved by the Director City Planning prior to construction certificate being issued, which details the measures to be implemented so as to:*

- ensure compliance with the relevant conditions of approval,
 - minimise the potential impact of the operation of the premises upon nearby residents,
 - effectively minimise and manage anti-social behaviour,
 - minimise noise emissions and associated nuisances,
 - effectively manage and respond to resident complaints,
 - ensure responsible service of alcohol and harm minimisation
31. *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.*
32. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Environmental Health & Building Services.*
33. *The hours of the operation of the balconies are restricted to:-*
- (a) *Monday to Wednesday – 10:00am until 11:00pm*
 - (b) *Thursday to Friday - 10:00 am until 1:00am*
 - (c) *Saturday - 9:00 am until 1:00am*
 - (d) *Sunday - 9:00 am until 11.00 pm*

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:

34. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
35. *There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

The following conditions are applied to ensure all works are undertaken in accordance with appropriate legislation and to Council's satisfaction:

36. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

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

37. *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.*

38. *Written confirmation from the service authorities confirming that they do not object to the proposed location of the new stairs along the Alison Road site frontage shall be submitted to the certifying authority prior to the issuing of a construction certificate.*
39. *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.*
40. *The registered proprietor of the development site shall abide with any directive given by any public utility authority in relation to access requirements to any utility within the footpath area along the site frontage.*

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

41. *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.

42. *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.*
43. ***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.***
44. ***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 person's intention to commence building works.*
45. *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.

46. *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".*

47. *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.

48. *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.

49. *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.

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

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

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

The following condition has been applied to protect the occupants and fire fighters in the event of fire:-

52. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and 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:*

a) proposed building works

53. *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:-*

Implementation of the fire safety upgrading works specified in the report dated 21 December 2006 prepared by Warrington Fire Research (Aust) Pty Ltd (including the recommendations made by Paraclete Building Consultants Pty Ltd in their report dated 11 July 2005) and submission of a final fire safety certificate upon completion 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:

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. *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.*
58. *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.*
59. *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.*
60. *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.

61. *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.*
62. *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.

63. *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.

64. *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.*

65. *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.

66. *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.

67. *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.*
68. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for

consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

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

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

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

70. 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 have been applied to ensure compliance with Local Government Legislation and Policies of Council:

71. *An amended application must be submitted to and approved by Council for the Place of Public Entertainment, in accordance with Section 68 of the Local Government Act 1993, prior to commencing any public entertainment.*

72. *The Place of Public Entertainment must be re-registered with the Council prior to occupation and on an annual basis. Council's registration/inspection form is to be completed by the proprietor and together with the appropriate fee, is to be forwarded to the Council, prior to the issuing of any occupation certificate.*

Advisory Conditions

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

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

- a) *Part B1 - Structural provisions*

Details of compliance with the relevant provisions of the Building Code of specifications for the construction certificate.

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

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

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

3. *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.*
4. *Consideration shall be given to the use of wind proof ashtrays on the balconies so as to minimise the potential of ash and cigarette butts littering the local environment."*

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

5.3 DEVELOPMENT APPLICATION REPORT - 65 MACQUARIE STREET, CHIFLEY. (DA/140/2006 - PROP007185)

Note: Cr Sullivan had earlier declared a non pecuniary interest in this matter and left the chamber during discussion on this item, taking no part in discussion of and voting thereon.

H79 **RESOLUTION: (Tracey/His Worship the Mayor, Cr. T. Seng) 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. 140/2006 for Alterations and additions to the front and rear of the existing dwelling and change of use to a child care centre for 28 children and 4 staff including new indoor and outdoor play areas, off street parking for 7 vehicles, new fence to side and rear boundaries, and hours of operation from 7:30am to 6:30pm Monday to Friday. at 65 Macquarie Street, Chifley, subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the amended plans numbered A01 Rev A, A05 Rev B, A06 Rev B, dated February 2005 and received*

by Council on 10 May 2006 and A02 Rev D, A03 Rev C, A07 Rev C, dated February 2005 and received by Council on 17 July 2006, the amended Environmental Noise Assessment prepared by Acoustic Logic Consultancy Pty Ltd dated 14 July 2006 and received by Council on 17 July 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. *The colours, materials and finishes of the external surfaces to the building including new awning, verandah, balustrades and windows are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.*
3. *The maximum number of children in attendance at the child care centre shall be 28 children at any one time. 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.*
4. *A maximum of four (4) staff shall be employed at the centre at any one time.*
5. *The hours of operation shall be restricted to 7:30am to 6:30pm Monday to Friday.*
6. *The proposed development shall be constructed/adapted in accordance with the NSW Children and Young Persons (Care Protection) Act 1998, and the NSW Children's Services Regulation 2004 (Department of Community Services requirements).*
7. *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):*
 - *The provision of meals and catering.*
 - *Schedule of activities, meal times and play times.*
 - *Number of staff and their duties.*
 - *System of signing children in and out of the centre.*
 - *How waste disposal and deliveries to and from the site will be managed.*
 - *Management of parking and stopping along the driveway.*
 - *Preparation of a Safety Policy to be handed out to all parents/carers 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 they must obey all the general traffic rules and conditions) and parents are to park on the site whenever a drop-off/pick-up space is observed to be vacant. Parents' cars are to be required to enter the site in a forward direction and pause in the driveway on the southern side of the site, then reverse into a drop-off/pick-up bay, in order to later drive out in a forward direction. A diagram illustrating the movements is to be included in this Policy. Parents are to be reminded that before carrying out this reversing movement, they should look to the rear and side to ensure that no child or other person will be in the path of the reversing car and before leaving the site, parents should take extra care that no child or other person is walking across the driveway. Parents who are walking across the driveway*

are to make sure that they firmly hold the hand of any child accompanying them or otherwise carry the child and any other policy directions for the safe, efficient and orderly operation of the centre as may seem appropriate to the centre operator may be included in the Policy.

- *Specify house rules to all staff relating to ensuring the centre is operated in a safe manner.*
 - *Measures implemented to minimise noise emanating from the premises. This is to include recommendations of the acoustic report, prepared by Acoustic Logic Consultancy Pty Ltd dated 14 July 2006 in relation to the closing of windows etc.*
8. *The use of the outdoor play areas is restricted to 9:00am to 11:00am and 3:00pm to 5:00pm Monday to Friday.*
 9. *The outdoor play area is restricted to a maximum of twenty (20) children at any one time.*
 10. *All vehicles entering and exiting the site shall do so in a forward direction at all times.*
 11. *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.*
 12. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
 13. *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.*
 14. *All signage and advertising must be in accordance with Council's Development Control Plan (DCP) for Outdoor Advertising and development consent must be obtained for all signage and advertising in accordance with Council's Local Environmental Plan 1998 (unless exempt from approval under Council's DCP for Exempt and Complying Development).*

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

15. *Two (2) car spaces are to be allocated as staff parking and sign posted as such.*

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:

16. *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.*
17. *In this regard, the operation of the premises 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 a LAeq, 15 min noise level, adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy.

18. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
19. *A report/statement, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, conditions of Council's approval and the acoustic report, prepared by Acoustic Logic Consultancy Pty Ltd dated 14 July 2006 and received by Council on 17 July 2006, to the satisfaction of Council's Manager Environmental Health & Building Services.*
20. *A report/statement is to be submitted to Council, prior to the issuing of a **construction certificate**, which demonstrates compliance with the recommendations outlined in Section 5 of the acoustic report, prepared by Acoustic Logic Consultancy Pty Ltd dated 14 July 2006 and received by Council on 17 July 2006. The recommendations are as follows:*
 - *The analysis of the open windows condition for play areas 1, 3 and the kitchen has been carried out and it has been found that they will not comply. Due to the low cut door the kitchen cannot be closed off from the play areas so the window can't be open. The existing sliding door to play area 1 must remain closed.*
 - *All windows along the facade facing the house at 63 Macquarie St. are to be required to be closed and be of a minimum 4mm acoustically sealed glazing (R_w not less than 27) (fixed or openable sashes) with acoustic seals. The entry door is to 45mm solid core timber with acoustic seals fitted around the perimeter equal to Raven RP10 and RP38 seals.*
 - *The windows on play area 1 facing Macquarie St. are to be closed and be of a minimum 4mm acoustically sealed glazing (R_w not less than 27) (fixed or openable sashes) with acoustic seals.*
 - *The window on the new extension facing the yard (SE), nearest to the boundary is to be closed and be of a minimum 4mm acoustically sealed glazing (R_w not less than 27) (fixed or openable sashes) with acoustic seals.*
 - *The brick and fibrous cement sheet walls are sufficient and will not require upgrading.*
 - *In summary, the acoustic report states that the following recommendations should be incorporated to ameliorate noise emanating from the outdoor play areas and entry:*

- *The children are not to be outdoors after 6pm and not before 8am.*
 - *A solid perimeter fence 2.6m high is to enclose the rear play areas from the laundry to the boundary, along the boundary perimeter to the driveway at the parking area. A 2.1m gate may be used between the laundry and boundary. The fence from the rear parking area to the end of driveway at Macquarie Street shall be a solid 2.6m high fence. Materials for the solid (imperforate) fence shall be lapped & capped timber paling. There are to be no gaps in the fence, especially at the ground. The existing fence may be retrofitted with these materials or a new structure built in front of the current fence.*
 - *The 3 metre wide canopy/awning structure shall be provided over the play area as indicated in the originally submitted plan (A02 revision A dated February 2005 and received by Council 7th March 2006) with the application.*
 - *A 1.8m high solid boundary fence should be constructed from the front boundary line to the building façade.*
21. *The stairs to the front entrance shall be reconfigured so that they are accessed parallel to the driveway and shall have safety railings and gate to prevent children coming into conflict with vehicles.*
 22. *Carspace 7 shall be deleted and the brush box tree in the rear yard shall be retained.*
 23. *The sand pit adjacent to the bedroom of 8 Gibson Place be moved a minimum distance of 3 metres from the boundary.*

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

21. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*

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:

22. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
23. *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:

24. *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.

25. *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.*
26. *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.*
27. *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.***
28. *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.*
29. *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.*
30. *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.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
- *A hand washbasin is to be provided within the kitchen, 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.*
- *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
- *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.*

The following conditions are applied to ensure compliance with the Building Code of Australia and relevant Standards to ensure public health and safety.

31. *A report, prepared by a suitably qualified person is to be submitted to Council prior to an occupation certificate, which demonstrates and certifies the premises complies with the ventilation requirements in AS 1668 Part 2 and F4 of the Building Code of Australia.*

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

32. *That, if any asbestos materials are encountered during future excavation or associated works, the following measures should be taken:-*

- *Excavation and associated work must cease in the area.*
- *If practical, barricades should be erected at a distance of 10 metres from the contaminated area.*
- *A licenced asbestos removalist must be engaged to remove asbestos contaminated materials.*
- *The licenced asbestos removalist shall obtain a 'permit to remove Friable Asbestos Material under the provisions of the Occupational Health and Safety Regulation 2001.*
- *During asbestos removal procedures a Nata Accredited company shall conduct air monitoring.*
- *A certificate or statement, prepared by a suitably qualified person must be provided to Council upon completion of the works (prior to an occupation certificate being issued), which confirms that the conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*
- *All work is to be performed in accordance with NOHSC Asbestos Code of Practice Guidance Notes (August 1988 and the Occupational Health and Safety Regulations 2001).*
- *All 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 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.*

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

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

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

34. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
35. ***Prior to the commencement of any building works**, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
36. ***Prior to the commencement of any building works**, the person having the benefit of the development consent must:-*
 - i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work 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.*
37. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

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

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

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

inspection, before carrying out any further works.

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

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

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

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

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

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

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

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

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

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

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

*Details of the principal building are to be submitted to Council **prior to the***

commencement of works, with the notice of appointment of the PCA / notice of intention to commence building work.

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

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

43. *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.*
44. *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.*
45. *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.*
46. *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.*
47. *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.*
48. *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.

49. *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.*
50. *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.*
51. *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.

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

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

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.

54. *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:

55. *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:-

56. *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).*

Civil Works Conditions

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

57. *Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a concrete vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site.*
 - b) *Reconstruct any damaged sections of concrete footpath along the full site frontage.*
 - c) *Reconstruct any damaged sections of the kerb and gutter along the full site frontage.*
58. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
59. *The applicant shall note that all external work, carried out on Council property, shall*

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

Alignment Level Conditions

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

60. *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:*
 - ***20mm above the back of the concrete footpath at all points opposite the footpath, along the full site frontage.***

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

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

61. *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.*
62. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

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

Waste Management Conditions

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

65. *Details of a Commercial Waste Contract are to be submitted to Council's Manager of Waste for approval and approved prior to the issuing of a construction certificate.*

Landscape Conditions

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

66. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan, prepared by a practicing professional possessing a minimum qualification of Associate Diploma in Landscape or equivalent, shall be submitted to, and be approved by, the certifying authority, prior to a construction certificate being issued. The plan shall detail the proposed species, quantity, location and pot size at the time of planting.*
67. *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.*
68. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

Tree Management

69. *Permission is granted for the selective pruning of only those lower growing branches from the western side of the *Lophostemon confertus* (Brush Box) located in the rear yard, near the southern boundary, which specifically need to be removed in order to avoid damage/conflict with site machinery during the course of the proposed works.*
70. *In order to reduce the hazard potential associated with branch drop, additional remedial pruning will be required in order to eliminate the vast amount of deadwood throughout its canopy, as well as to remove any poorly pruned stubs and rubbing/crossing branches, with the amount of pruning undertaken not to substantially alter the shape, form or habit of this tree.*
71. *All pruning must be undertaken by a qualified Arborist who is a registered member of a nationally recognized organisation (minimum qualification Certificate 4 in Arboriculture) to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
72. *Prior to any pruning works being undertaken, the applicant/Arborist shall contact Council's Landscape Development Officer on 9399-0613, giving at least 48 hours notice, so that a joint inspection can be carried with the Arborist to confirm the location an extent of pruning to be carried out.*

Tree Protection Measures

73. *In order to ensure the retention of the Lophostemon confertus (Brush Box) located in the rear yard of the site, near the southern boundary in good health, the following measures are to be undertaken:*
- a. *All detailed documentation submitted for the construction certificate application shall show the retention of the existing tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b. *With the exception of excavation/works associated with the provision of parking spaces 4, 5 & 6 within the proposed car parking area to the west of its trunk, all detailed documentation submitted for the construction certificate application shall show existing soil levels as being maintained to the edge of its canopy (dripline) through the provision of spot levels.*
 - c. *All detailed documentation submitted for the construction certificate application shall show a minimum setback of 3.250 metres from the trunk of this tree to any excavations associated with the proposed vehicle access/car parking area to the west of its trunk. Therefore, the eastern most carspace shall be deleted from the plans.*
 - d. *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 3 metres off the western side of its trunk, as well as a distance of 4 metres off the northern and eastern sides of its trunk, matching up with southern property boundary to completely enclose the tree.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.
 - e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
 - f. *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.*
 - g. *Any excavations required for footings, structures, retaining walls associated with the eastern edge of the proposed vehicle access/car parking area shall be initially undertaken by hand, with any roots encountered to cut cleanly by hand, and the area backfilled as soon as practically possible.*
 - h. *In order to reduce compaction of the soil profile and root system from pedestrian traffic post construction, the existing woodchip mulch shall be maintained to a depth of 75mm to the extent of the dripline of this tree.*

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.

- 3. 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/White)

- A. THAT Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 140/2006 for alteration and additions to the front and rear of the existing dwelling and change of use to a child care centre for 28 children and 4 staff including new indoor and outdoor play areas, off-street parking for 7 vehicles, new fence to side and rear boundaries, and hours of operation from 7:30am to 6:30pm Monday to Friday at 65 Macquarie Street, Chifley, for the following reasons:-**
 - 1. The proposed development is inconsistent with the objectives of the Residential 2A zone as stated in Clause 10 (1) (a), (c) and (d) of the Randwick Local Environmental Plan 1998 in that the proposed development is likely to adversely affect the amenity of surrounding residential areas and the character of the locality.**
 - 2. The proposed development has adverse impact upon the residential streetscape in that the application includes a vast area of hard surface to the front of the dwelling. The**

extent of hard surface results in limited space for landscaping and has adverse impact upon the established residential streetscape.

3. The proposed development will result in the loss of one significant tree on site, a *Lophostemon confertus* (Brush Box) of approximately 6 metres in height and 6 metres in width and is deemed to provide a positive contribution to the site and the streetscape.
4. The proposed development will adversely affect the amenity of adjoining and surrounding residential dwelling houses in terms of increased traffic and noise from the proposal.
5. The proposed development fails to provide adequate off-street parking and satisfactory pick-up/drop-off arrangements for children and there is a potential conflict between children and vehicles entering and exiting the car spaces and the site.
6. The proposed development is not in the public interest, having regard to the submissions received. **LOST.**

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

A division was called for by Crs Andrews and Tracey. Voting was as follows:-

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

5.4 DEVELOPMENT APPLICATION REPORT - 47 DENNING STREET, SOUTH COOGEE. (DA 253/2006)

H80 **RESOLUTION: (Andrews/White) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and assessment Act 1979 (as amended) to Development Application 253/2006 for new brick garage and access driveway from adjoining unformed road reserve, to the existing multi-unit housing development at 47 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 DA1, DA2, DA3, DA4 and DA5 dated March 2006 and received by Council on 10 February 2006, and DA10B dated 10 January 2006 and received by Council on 7 April 2006, the application form and on any supporting information received with the application, except as may be amended by the details approved pursuant to the deferred commencement condition and the following conditions and as may be shown in red on the attached plans.*
2. *Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*
3. *There must be no encroachment of any part of the structure onto Council's road reserve, footway or public place.*

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

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.*

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

5. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times. Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.*
6. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
7. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***
8. ***Prior to the commencement of any building works, the person having the benefit of the development consent must: -***
 - i) *appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the*

requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and

- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

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

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

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

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

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

the relevant provisions of the Environmental Planning & Assessment Act 1979.

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.

- 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.

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

15 *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.

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

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

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

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

18 *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.

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

20 *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.

21 *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.

22 *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.

- 23 *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.*
- 24 *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.*

Civil Works Conditions

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

- 25 *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a. *Construct a concrete vehicular crossing in Wisdom Street to service the proposed vehicular entrance at the northwest corner of the site.*
- Note:*** *This shall be constructed to match up to the existing concrete vehicular crossing in Denning Street.*
- b. *Provide landscaping within the Wisdom Street road reserve between Denning Street and the top of the embankment (either side of the new driveway) to the satisfaction of Council. The applicant is advised to contact Council's Landscape Development Officer (93990613) regarding this matter.*
- 26 *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

- 27 *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
- 28 *Prior to the issue of an occupation certificate, the applicant shall meet all costs associated with providing clear signage at the driveway entrance off Denning Street stating 'No access to Wisdom Street'. The signage shall be provided to the satisfaction of Council's Traffic Engineer.*

Alignment Level Conditions

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

- 29 *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the proposed driveway shall be:*
- ***Eastern edge: RL 46.80 (AHD)***
 - ***Western edge: RL 47.00 (AHD)***

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

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

SERVICE AUTHORITY CONDITIONS

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

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

authority.

LANDSCAPE CONDITIONS

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

- 34 *That part of the naturestrip upon Council's footway or Council's reserve 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.*
- 35 *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

TREE MANAGEMENT

- 36 *Approval is granted for the removal of the following trees to accommodate the proposed vehicle access and garage as shown, with replacements not required given the insignificance of both species.*
- b. One Acmena smithii (Lilly Pilly) within the front yard, along the northern boundary.*
 - c. Two Syagrus romanzoffianum (Cocos Palms) within the centre of the front yard.*
- 37 *The applicant shall not prune any branches from any of the Banksia integrifolia (Coastal Banksia's) growing on the sloped embankment within Council's reserve (unformed portion of Wisdom Street), to accommodate the proposed works. Should pruning be necessary, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613 to make the necessary arrangements to have this work performed by Council's authorized officers, at the applicant's expense.*
- 38 *The applicant will need to lodge the required amount to cover Council's costs for any pruning works with Council, prior to the issue of a final occupation certificate.*

TREE PROTECTION MEASURES

- 39 *In order to ensure the retention of the stand of Banksia integrifolia (Coastal Banksia's) growing on the sloped embankment within Council's reserve, unformed portion of Wisdom Street, in good health, the following measures are to be undertaken:*
- a. All detailed documentation submitted for the construction certificate application shall show the retention of the existing trees adjoining the proposed works, with the position of their trunks and full diameter of their canopies clearly shown on all drawings.*
 - b. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within 2.5 metres of the trunks of any of these trees within Council's*

reserve.

ADVISORY CONDITIONS

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: (Bastic/Nash) Council as the responsible authority refuse its development consent under Section 80 and 80A of the Environmental Planning and assessment Act 1979 (as amended) to Development Application 253/2006 for new brick garage and access driveway from adjoining unformed road reserve, to the existing multi-unit housing development at 47 Denning Street, South Coogee as the application takes away a significant section of the pocket park. **LOST.**

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

5.5 DEVELOPMENT APPLICATION REPORT - 46 WOLSELEY ROAD, SOUTH COOGEE. (D/0909/2003/B - PROP010455)

H81 **RESOLUTION: (Andrews/Nash) that:**

- A. *Council as the responsible authority grant its development consent under Section 96 (2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify the consent to Development Application No. DA 909/2003/B for Section 96 application to modify the approved plans by way of external and internal changes including a change in roof form and materials, relocation and re-orientation of the swimming pool and retaining walls, location of air conditioning units, and enlargement of vehicular crossing. at 46 Wolseley Road, 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 02059/A/01B with issue date 11 February, 2004, prepared by Mosca Perras Architects and received by received by Council on 13 February, 2004, the application form and on any supporting information received with the application, except as may be amended by the Section 96 plans 02059/A/01 and 02, both Issue B, dated 6 January, 2006, and received by Council on 10 May, 2006, only in so far as they relate to the modifications detailed in the Section 96 application and as may be amended by the following conditions and as may be shown in red on the attached plans:*

Amend Condition No. 58 to read:

58. *The applicant must provide detailed plans of the driveway to the satisfaction of council officers in order to ensure access for 13 Cairo Street and meet the full cost for Council or a Council approved contractor to:*
- a) *Construct asphalt/concrete vehicular crossing opposite the vehicular entrance to the site.*

- b) *Construct/install sandstone faced retaining walls adjacent to the vehicular crossing. This shall include any safety railing requirements atop of the retaining walls and any other associated works as required by Council's Asset Infrastructure Services Dept.*
- c) *A "No Parking" sign is to be installed west of the driveway entrance pointing west, at the applicant's expense.*
- d) *Construct asphalt roadway between the existing edge of bitumen road in Cairo St and the western retaining wall on Council property including the installation of bollards approximately 2.50m back from the edge of the bitumen road.*

Note: the applicant is to have his own structural engineer design the subject retaining walls and footings and submit them to Council for approval prior to the issuing of a construction certificate

The retaining walls on either side of the vehicular access are to be constructed in the location as shown on the plans submitted marked Drawing No. 02059/A/01 Issue B, Stamped received by Council 10th May 2006.

Construct a spoon drain, on the nature strip, long the edge of western retaining wall from the property alignment to the bitumen edge of Cairo Street.

Construct kerbing along the edge of the asphalt road in Cairo St from the eastern edge of the driveway entrance running down to the kerb and gutter in Wolseley Rd.

Reconstruct/construct the footpath and steps east of the pedestrian entrance in Cairo St adjacent to the southern side boundary to the satisfaction of the Director of City Services.

Note: the applicant is to have his own structural engineer design the subject retaining walls and footings and submit them to Council for approval prior to the issuing of a construction certificate

The proposed retaining wall on Council property at the western edge of the driveway is to be located no closer than 2.00m to the edge of the bitumen road in Cairo St and a "No Parking" sign is to be installed west of the driveway entrance pointing west, at the applicant's expense

The proposed retaining wall on Council property at the eastern edge of the driveway is to be constructed with a 2.m x 2m splay from the edge of the bitumen road in Cairo St.

Any enquiries regarding the retaining wall can be directed to Mr Paul O'Sullivan on 9399 0923.

Add Condition No. 68

68. *A retaining wall shall be constructed along the western boundary with No. 17 Garnet Street and returning along the side boundaries (northern and southern) of the site as necessary, wholly within the subject site, in order to retain and shore the adjoining land and excavation in a structurally sound and safe manner, at the applicant's expense.*

Documentary evidence prepared by a suitably qualified professional geotechnical engineer and structural engineer detailing the construction method and certifying the suitability and stability of site for the proposed design and the certifying the suitability and adequacy of the proposed design and construction of the retaining walls within the site and the swimming pool shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate (or amended Construction Certificate) and the commencement of further works to the retaining walls and the swimming pool.

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 (or amended construction certificate).

Add Condition No. 69

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

Add Condition No. 70

70. *The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, 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.*

Add Condition No. 71

71. *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.*

Add Condition No. 72

72. *The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, 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.

Add Condition No. 73

73. *The roof slab shall be covered with pebbles approximately 20mm in dimension, in a natural sandstone colour with a smooth finish as have been provided to Council prior to occupation and shall be maintained on the building in good order throughout the life of the building.*

Add Condition No. 74

74. *No approval is given for lighting under the eaves or under the Level 3 Viewing Deck and these shall be removed prior to occupation.*

ADVISORY MATTERS

- A1 *No approval is given for the reconfiguration of the Level 3 Viewing Deck or the deletion of the blade privacy screen to the northern living room window as originally approved and these shall be constructed or reconstructed in accordance with the originally approved plans prior to occupation.*
- A2. *Side boundary fences do not form part of the Section 96 approval and may require a further application to Council.*

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

5.6 DEVELOPMENT APPLICATION REPORT - 28 BELL STREET MAROUBRA. (DA/269/2006 - PROP029039)

- H82 **RESOLUTION:** *(Andrews/Belleli) 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.269/06 for permission to carryout alterations and additions to the dwelling at 28 Bell Street, MAROUBRA subject to the following conditions: -*

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

1. *The development must be implemented substantially in accordance with the plans numbered 4.315-1a, 4.315-2a, 4.315-3 to 4.315-9 inclusive, dated 7/3/06 and received by Council on the 12th April 2006, and amended plans numbered 4.315-1b & 4.315-2b received on the 5th June 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 and consistent with the colour schedule received with the application dated 12th April 2006, to maintain the integrity and*

amenity of the building and the streetscape.

- 3 *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
- 4 *There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.*
- 5 *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 and the building is to be used as a single dwelling house only.*
6. *Fixed privacy screens 1800mm in height of either fixed louvres or obscured glazing are to be installed to the northern side of the upper level balcony to the front of the dwelling and patio at the rear of the dwelling. Details of the screens are to be provided with the Construction Certificate application.*
7. *The window within the northern elevation serving bedroom 2 is to have obscured glazing to a height of 1500mm above floor level to maintain privacy to the adjoining property and details are to be provided with the Construction Certificate application.*
- 8 *The garage roof is not to be trafficable.*

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

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

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

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

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

- 12 *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and*

details are to be included in the construction certificate application for the development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 24 *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:

25 *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.

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

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

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

Adequate provisions are also to be made for drainage.

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

- 28 *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.

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

- 30 *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.

- 31 *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.

- 32 *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.

- 33 *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.*

- 34 *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:

- 35 *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:

36 *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.

37 *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.*

38 *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.

- 39 *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.*
- 40 *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.

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

- 41 *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a new asphalt/concrete crossing opposite the vehicular entrance to the site, if required.*
- 42 *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.*
- 43 *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

- 44 *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.*

- 45 *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:

- 46 *Permission is granted for the removal of the Umbrella tree located at the rear of the existing garage.*

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: (Andrews/Belleli) CARRIED – SEE RESOLUTION.

6. MISCELLANEOUS.

- 6.1 DIRECTOR, CITY PLANNING REPORT 69/2006 - SOCIAL IMPACT ASSESSMENT - LICENSED TRADING HOURS, COOGEE BAY HOTEL AND BEACH PALACE – UPDATE. (F2004/07767)**

H83 **RESOLUTION: (Woodsmith/Matson) that Council:**

- a) *Note the work on the SIA project to date;*
- b) *Note that CRED Community Planning will be approached with an expanded draft consultant brief and request for a detailed fee proposal for such work;*
- c) *Request assistance with funding for the expanded SIA brief from both hotel and licenced club proprietors using a formula to be determined by the Director, City Planning, such request to state that Council considers their assistance with funding to be an important gesture of goodwill to the local community; and*
- d) *Fund both the original and expanded SIA brief costs if the hotel and licenced club proprietors formally advise of their non-payment for these costs.*

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

6.2 DIRECTOR, CITY PLANNING REPORT 70/2006 - REVIEW OF MEDIATION PROGRAM. (F2004/07467)

H84 **RESOLUTION: (Andrews/Belleli)** *that Council continue to provide an independent Mediation Program.*

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

7. CONFIDENTIAL REPORT.

7.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 26/2006 - ORGANISATIONAL STRUCTURE. (F2006/00001)

H85 **RESOLUTION: (Andrews/Belleli)** *that Council accept the organisational structure outlined in the report, including the re-classification of the Coordinator Sustainability to Manager Sustainability as detailed in the memo circulated to councillors.*

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

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 9.30 p.m.

.....
CHAIRPERSON