

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 12TH SEPTEMBER, 2006 AT 6:35 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 & A. White
East Ward	-	Crs M. Matson & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Cr C. Bastic (arrived 6.40 pm)

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoplos.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.
Senior Administrative Co-ordinator	Ms. J. Hartshorn.
Manager Health, Building & Regulatory Services	Mr R Wereszczynski

1. APOLOGY/GRANTING OF LEAVE OF ABSENCES.

An apology was received from Cr Andrews.

RESOLVED: (Nash/Matson) that the apology from Cr Andrews for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 12th September, 2006 be received & accepted.

2. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 8TH AUGUST, 2006.

H86 **RESOLUTION: (Belleli/Nash)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 8th August, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

Cr Seng declared a non-pecuniary interest in Item 6.1 (Development Application Report – 15 Peters Place, Maroubra) as one of the Applicants is the Executive Assistant to the Mayor and General Manager.

Cr Matson declared a non-pecuniary interest in Item 6.1 (Development Application Report – 15 Peters Place, Maroubra) as one of the Applicants is the Executive Assistant to the Mayor and General Manager.

Cr Sullivan declared a non-pecuniary interest in Item 6.1 (Development Application Report – 15 Peters Place, Maroubra) as one of the Applicants is the Executive Assistant to the Mayor and General Manager.

4. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

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

6.1 DEVELOPMENT APPLICATION REPORT - 15 PETERS PLACE, MAROUBRA.

The Objector Mr PM Alexander 11 Peters Place, Maroubra

The Applicant Mr Graham Read 15 Peters Place, Maroubra

6.2 DEVELOPMENT APPLICATION REPORT - 32-42 BARKER STREET, KINGSFORD.

The Objector Mr Mark Hofmann c/-Kanga's House Child Care Centre
52 Barker Street, Kingsford

The Applicant Mr Sootee Cheong Level 1, 39 Hume Street, Crows Nest

6.3 DEVELOPMENT APPLICATION REPORT - 9 GARNET STREET, SOUTH COOGEE.

The Objector Mr Clive Rodney Churchill 11 Garnet Street, South Coogee

The Applicant Ms Jackie Bowmer 9 Garnet Street, South Coogee

6.4 DEVELOPMENT APPLICATION REPORT - 40 HUGHES AVENUE, MAROUBRA.

The Objector Ms Elizabeth Manning 128 Broome Street, Maroubra

The Applicant Ms Lyn Koepl 40 Hughes Avenue, Maroubra

6.5 DEVELOPMENT APPLICATION REPORT - 29 PARK STREET, CLOVELLY.

The Objector Mr Roy Gamma 31 Park Street, Clovelly

The Applicant Mr William Owens 29 Park Street, Clovelly

The meeting was adjourned at 7.30 p.m. and was resumed at 7.48 p.m.

5. URGENT BUSINESS.

Nil.

6. DEVELOPMENT APPLICATIONS.

6.1 DEVELOPMENT APPLICATION REPORT - 15 PETERS PLACE, MAROUBRA. (DA/69/2006 & PROP036352)

Crs Matson, Seng & Sullivan declared a non-pecuniary interest in this item earlier in the meeting.

H87 **RESOLUTION:** *(Bastic/White) that:*

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 69/2006 for alterations and additions to existing dwelling including a first floor addition, modifications to the ground floor level of the dwelling, construction of a new garage, extension of ground floor decking to the front and rear and landscaping works including new swimming pool at 15 Peters Place, Maroubra subject to the following conditions:-*

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

1. *The development must be implemented substantially in accordance with the amended plans numbered Sheets 1,1b,2,3,4,5,6,6.1,6(section),7.1,7.2,7.3,8 and 9 and stamped as received by Council on 26 July 2006, the application form and any supporting information received with the application, except as may be amended by the following conditions:*
2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

3. *Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.*
4. *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.*
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.*

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

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

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

8. *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:

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

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

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

10. *External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to*

result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. *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.

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

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

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

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

25. *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.

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

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

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

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

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

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.

29. *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.

30. *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.

31. *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.*

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

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

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

33. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the*

structural adequacy of the existing structure to support the additional storey.

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

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

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

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

35. ***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.*

36. *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.*
37. *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.*
38. *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.*
39. *A Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council **upon completion of the works** (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

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

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

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

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

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

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement

No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation”, published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled “Cardio Pulmonary Resuscitation” published by the Australian Resuscitation Council.

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

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

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

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

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

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

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

The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:

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

45. *A Road Opening Permit must be obtained from Council's City Services Department*

prior to opening-up or carrying out any proposed works within the road, footpath, nature strip or other public place and all works including repairs are to be carried out to Council's satisfaction.

Service Authority Conditions

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

46. *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.*
47. *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:

48. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
49. *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.*

Advisory Conditions

1. *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: (Matson/Hughes) that the recommendation be adopted subject to the lattice component of the boundary fence being increased by 300mm. **LOST.**

MOTION (Bastic/White) CARRIED – SEE RESOLUTION.

6.2 DEVELOPMENT APPLICATION REPORT - 32-42 BARKER STREET, KINGSFORD. (D/287/2006)

H88 **RESOLUTION:** *(Nash/Bastic) that:*

- A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1)*

in respect to non-compliance with Clauses 32(1) and 33(1)&(3) of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio and building height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

AND

- B. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/287/2006 for the demolition of existing buildings and construction of a part 3, part 4 and part 5 level multi-unit development comprising of 3 buildings, 65 dwellings and 2 levels of basement carparking for 85 vehicles and including a communal facility containing library and swimming pool at 32-42 Barker Street, Kingsford, subject to the following conditions:*

Deferred Commencement Conditions

The consent shall not operate until the following amendments and details have been submitted to and approved by the Director of City Planning.

1. *Amended plans and elevations showing the following:*

- *Installation of an appropriate fixed privacy screen along the balcony to the living room of the proposed unit C304 in the proposed Building C to ensure the privacy of the rear yard of the adjoining existing property at No. 50 Barker Street.*
- *Installation of appropriate sun shading devices in all areas of unprotected north-facing glass in Buildings A and B in a manner that continues the materials and devices proposed in areas of protected north-facing glass in these buildings.*
- *Redesign of the blade wall at the entry to Harbourne Lane to make this wall less prominent.*
- *Redesign of the internal ramp between Basement Levels 1 and 2 by placing this ramp below the main ramp that links the street access to Basement Level 1 so as to further increase the area for deep soil planting.*
- *The ground floor level of Building A being raised by 150mm to RL 27.45 (AHD) to provide adequate floor levels for habitable and storage areas above determined flood levels for the area; and a commensurate reduction in the floor to floor heights as detailed below (to ensure that the overall building height is not increased):*
 - * *Reduction in the floor to floor height of the ground floor by 30mm*
 - * *Reduction on the floor to floor height of the levels 1 to 3 by 40mm per floor.*

2. *Details of the provision of 4 dwellings that will be adapted for people with a disability as required in the DCP – Multi-unit Housing.*

3. *Details of signage to be erected at the exit to the driveway of the property indicating “right turn only” in order to ensure the safety of children attending the Child Care Centre at 52 Barker Street, Kingsford.*

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA02 to DA14 all Rev. A and stamped received by Council on 19 April 2006, and the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and 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 of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 19 April 2006.*
3. *Details of bicycle storage providing for 28 bicycle parking spaces as required in the Development Control Plan – Parking shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*
4. *Each pair of tandem carparking spaces shall be allocated to a corresponding 2 or 3 bedroom dwelling.*
5. *The development shall provide 15 visitor carparking spaces on-site as required under the DCP - Parking.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
8. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
9. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a ‘Design Verification Certificate’ must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*
10. *Public access to the visitor’s carparking spaces is to be maintained at all times and*

an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.

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

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

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

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

13. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space* \$112439.06
 - b) *for the provision or improvement of community facilities* \$43260.39
 - c) *Administration fee* \$425.00

*The contribution must be paid in cash or by bank cheque a **construction certificate being issued***

*for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

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

14. *The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*
 - a) \$5000.00 - *Damage / Civil Works Security Deposit*

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

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

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

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

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

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

Barker Street frontage:

16. *Remove all redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
17. *Reconstruct the kerb and gutter along the full Barker Street site frontage.*
18. *Carry out a full depth minimum 1.5 metre wide, road reconstruction in front of the new kerb and gutter and layback along the full site frontage.*
19. *Reconstruct the concrete footpath along the full Barker Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

Harbourne Lane frontage:

20. *Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Harbourne Lane. Note: The applicant will be required to liaise directly with Energy Australia and organise for the existing light pole (located within the proposed vehicular access) to be relocated prior to construction of the new vehicular crossing.*
21. *Construct a concrete layback along the projected kerb alignment opposite the loading zone. Note: This will include removal/relocation of the existing signposting located directly adjacent to the proposed layback.*
22. *Construct kerb and gutter along the full Harbourne Lane site frontage except opposite the loading zone and vehicular entrance.*

23. *Carry out a full depth minimum 1.5 metre wide, road reconstruction in front of the new kerb and gutter and layback along the full site frontage.*
24. *Construct a new full width concrete footpath behind the kerb along the site frontage in Harbourne Lane (over the 600mm wide parcel of land to be dedicated to Council).*
25. *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.*
26. *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.*
27. *The proposed loading zone within the site shall be constructed with kerb and gutter around the outside to separate the pedestrian footpath and the loading area. The loading area shall also be constructed with a 1.5% fall towards the layback to facilitate suitable drainage. To ensure that the loading zone matches with the civil works in Harbourne Lane, construction details for the proposed loading zone and footpath shall be submitted to Council for approval prior to the issue of a construction certificate.*
28. *Prior to the issue of an occupation certificate, the applicant shall install, wholly within the site, suitable pavement markings and signposting clearly delineating the loading zone located adjacent to Harbourne Lane. The signposting shall clearly state that no parking is permitted within the loading zone.*
29. *Prior to the issue of an occupation certificate, the applicant shall meet the full cost for the existing parking restrictions along the full site frontage in Harbourne Lane to be modified to suit the proposed development. The signposting shall be provided to the satisfaction of Council's Traffic Engineer. Note: It is recommended that the applicant make early contact with Council's Traffic Engineer (ph: 9399 0927) to avoid potential delays in the issuing of an occupation certificate.*
30. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metres by 1.5 metres to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
31. *The two-way access driveway off Harbourne Lane shall be a minimum of 6 metres wide (clear width) and set back from the side property boundary by a minimum of 1 metre.*

32. *The internal driveway must be designed to allow entering & exiting vehicles to pass within the site. The submitted ground and basement floor plans (DA02 (Rev A) and DA 08 (Rev A) by STC Architects) demonstrate compliance with this requirement.*
33. *A Works Zone is to be provided in Barker Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

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

34. *Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall;*
- a) *demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development; and*
 - b) *provide for a person to control truck deliveries (for the duration of the proposed building work) during drop-off and pick-up times for children attending the Child Care Centre at 52 Barker Street, Kingsford.*
35. *Prior to the issue of an occupation certificate, the applicant shall dedicate to Council a strip of land 0.60 metre wide along the full Harbourne Lane site frontage. All costs associated with the dedication shall be borne by the applicant. **It is noted that no portion of the development (including the basement carpark / detention tanks) shall encroach into the parcel of land to be dedicated to Council.***
36. *Prior to the issue of an occupation certificate, the applicant shall create an easement for access and an easement for garbage collection (benefiting Randwick City Council) over the loading zone and adjoining section of pedestrian footpath located within the subject development site. This condition has been included as garbage collection vehicles will be required to drive into the loading zone to collect wastes; and pedestrians within Harbourne Lane will be directed around the loading zone and into the site.*
37. *Prior to the issue of an occupation certificate, a positive covenant shall be created over the loading zone and adjoining pedestrian footpath. The terms of the positive covenant shall be as follows*

The registered proprietor of the lot burdened does hereby covenant for itself its successors in title and assignees in relation to the easements for access and garbage collection created over the loading dock and adjoining footpath:

1. *to keep the loading zone and adjoining footpath clean and free from rubbish*

2. *to maintain, renew and repair the whole or any part of the loading zone and adjoining footpath so as to keep it safe and useable*
3. *to carry out renovation, repair and cleaning of the loading zone and adjoining footpath at its own expense.*
4. *not to erect any gate or other structure or make any alterations to the loading zone and adjoining footpath without the prior written consent of Randwick City Council (“the Council”).*
5. *to indemnify and keep indemnified the Council against all and any claims for damages arising out of injury to any person or persons lawful upon the loading zone and adjoining footpath.*
- 6.1 *to keep current at all times a policy of public risk insurance in respect of the loading zone and adjoining footpath for an amount of not less than \$20million (being the amount which may be paid arising out of one single accident or event) or such higher amount as the Council may from time to time require.*
- 6.2 *such policy must be effected with an insurance company approved by the Council (which approval will not be unreasonably withheld) and the registered proprietor will, if so requested by the Council, provide the Council with a copy of the policy and from time to time with a Certificate of Currency for the policy.*
- 7.1 *to comply with the terms of any written notice (“the Notice”) issued by the Council in relation to any of these matters contained in this Positive Covenant within the time stated in the Notice.*
- 7.2 *if the registered proprietor fails to comply with the terms of the Notice the Council or its authorised agents may enter the site of the easement with all necessary equipment to perform the required work to ensure safety of users of the easement and recover from the proprietor any cost of performing the work. If necessary the Council can recover the cost by legal proceedings and entry of a covenant charge under Section 88F of the Conveyancing Act.*

Identity of authority whose consent is required to release vary or modify the Positive Covenant referred to in the abovementioned plan

Randwick City Council”

Alignment Level Conditions

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

38. *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:*

- ***Barker Street: Match the back of the existing footpath along the full site***

frontage

• ***Harbourne Lane:***

- o *At the vehicular entry point and within the loading zone area - 70mm above the centreline of the laneway at all points opposite the laneway.*
- o *At the pedestrian entry points – 110 mm above the centreline of the laneway at all points opposite the laneway.*

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

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

39. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/footpath must be indicated on the building plans for the construction certificate.*
40. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$5900 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
41. *The top of footings of any structures constructed on the Harbourne Lane boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access (in order to accommodate footpath construction at this location).*

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

42. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
43. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
44. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
45. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*

46. *The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*
47. *Prior to the issue of an occupation certificate, the applicant shall meet the full cost for Energy Australia to relocate the street light located within the proposed vehicular access in Harbourne Lane. The applicant shall liaise directly with Energy Australia regarding this matter.*
48. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

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

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

49. *The floor level of all habitable and storage areas (excluding the basement carpark) shall be at a minimum RL of 27.45 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
50. *The proposed internal driveway (and any other openings into the basement carpark) must be designed with a high point to RL 27.45 (AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
51. *All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

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

during the PMF event.

52. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
53. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
54. All site stormwater must be discharged (by gravity) to either:
- a) The underground drainage system in Barker Street; OR

- b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

Note: Discharge to the underground drainage system in Barker Street will necessitate the applicant meeting all costs associated with constructing a new kerb inlet pit (in general accordance with Council's standard drawing SD7a) in Barker Street in front of the development site, and extending Council's underground drainage system to connect into the new kerb inlet pit.

55. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
56. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
57. All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. **The plans and specifications for all drainage works on Council property shall be submitted to and approval by Council prior to the issuing of a construction certificate.**
58. A work-as-executed plan (for the external drainage works) prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).
59. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

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

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

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

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

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

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

Notes:

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

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

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

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

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

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

68. *A reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council drainage system does not surcharge*

back into the site stormwater system.

69. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

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

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

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

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

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

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

71. *Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the*

design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

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

- 72. A minimum of three covered car washing bays shall be provided for this development.*
- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) The car washing bays must be located outside any required/approved stormwater detention system.*
 - c) The car washing bays may be located within the visitor parking spaces provided they are signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - e) A water tap shall be located adjacent to the car washing bays.*
- 73. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) The location of the detention basin with finished surface levels;*
 - b) Finished site contours at 0.2 metre intervals;*
 - c) Volume of storage available in the detention areas;*
 - d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - e) The orifice size(s) (if applicable);*
 - f) Details of any infiltration/absorption systems; and*
 - g) Details of any pumping systems installed (including wet well volumes).*
- 74. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and*

construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

75. *Should groundwater be encountered within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for the groundwater to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

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

76. *The waste storage areas shall be sized to contain:*

- a) *a compactor (with safe working area) for each chute feed;*
b) *a total of 17 x 240 litre additional garbage bins; and*
c) *a total 33 x 240 litre recycling bins.*

The compactor/s shall be managed by a caretaker and shall be located in areas that are not accessible to residents. However, at least two garbage bins shall be located outside of the compactor area in each of the waste storage areas to enable residents to dispose of rubbish that will not fit through the chutes.

A minimum of eight recycling bins shall be accessible by residents (four in each of the waste storage areas) to facilitate disposal of recyclables. The caretaker shall be responsible for ensuring that full recycling bins are moved out of the area accessible by residents and replaced with empty bins as required.

The plans submitted for the construction certificate shall be amended to demonstrate compliance with this condition. In particular, the plans shall show each of the two resident accessible waste storage areas being sized to contain a minimum of 2 x 240 litre garbage bins and 4 x 240 litre recycling bins.

77. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

78. *The waste storage areas shall be clearly signposted.*

79. *The applicant shall comply with any future Council direction regarding presentation*

of waste bins for collection.

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

80. *The landscaped areas shown on the revised Landscape Concept Plan prepared by Narelle Sonter, Landscape and Horticultural Specialists, drawing number LCP.01/B, job number 050803, issue B, dated April 2006 and stamped received at Council on 19th April 2006 (the landscape plan) shall be amended to show the following amendments/additional requirements, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
81. *'CA' is proposed for under-planting beneath the Cabbage Palms along the eastern boundary, adjoining the pedestrian walkway, but is not included in the plant schedule and needs to be identified.*
82. *Metrosideros excelsa (NZ Xmas Bush) shall be deleted from the landscape plan and planting plan as this species is susceptible to Jewel Beetle attack which has resulted in the death of a large number of this species in the Randwick LGA. Cultivars or an alternative species shall be nominated.*
83. *Similarly, HM (Hydrangea macrophylla, Hydrangea) and AAM (Azalea indica 'Alba Magna', Azalea) shall be deleted from the planting plan and plant schedule as neither species is considered tolerant of current drought conditions. More resilient, alternative species shall be nominated.*
84. *In order to soften the bulk and appearance of the northern elevation of the proposed development, as well as to assist with its integration into the streetscape, two of the Gleditsia triacanthos 'Sunburst' (Honey Locusts) which are proposed within private courtyards along this northern frontage shall be replaced with two evergreen trees which can attain a minimum height at maturity of 10 metres so that canopy cover is maintained during the cooler months when the deciduous species proposed will be completely devoid of foliage.*
85. *While a desirable species, the use of SJ, Strelitzia juncea (Crane Flower) within those raised planters along the northern boundary, fronting onto Barker Street is not supported in this instance due its ability to overhang onto the public footpath and impede/affect pedestrian access. An alternative species which will be able to be wholly contained within the raised planters without the need for regular and ongoing maintenance to contain their size or shape shall be selected in this area.*
86. *For maintenance and practicality purposes, those areas of lawn proposed within private courtyards in Block B and C, as well as surrounding the common area pedestrian path running along the western edge of proposed Block A shall be deleted, and is to be replaced with decorative gravel or mulch and associated appropriate planting.*
87. *Deletion of the narrow strip of turf proposed between the southern length of proposed Block A and the stepping stones, to be replaced with suitable accent planting.*
88. *Additional details of the proposed water features, including depth, function and water*

source/usage.

89. *Inclusion of appropriate screen planting of the two raised voids/vents at the eastern and western ends of the deep soil zone in the proposed central courtyard.*
90. *Extension of garden beds and associated screen or feature planting in front of the northern and eastern edges of the raised planter proposed at the western end of the grassed courtyard, above the proposed driveway ramp.*
91. *A minimum of one evergreen tree which can attain a minimum height of 12 metres at maturity shall be provided within the deep soil zone of the proposed central courtyard at the expense of one of the deciduous trees indicated for use in this area.*
92. *The planter proposed along the eastern boundary, adjacent the pedestrian path at the northeast corner of the site shall be extended to match up with the proposed letterbox/covered pergola.*
93. *Replacement of SA (Syzygium australe, Lilly Pilly) which is proposed for use along the eastern boundary at the southeast corner of the site with an alternative species which will attain a minimum height of 4 metres at maturity in order to afford adequate screening and privacy between this site and the adjoining property to the east.*
 - d. *Additional notation showing soil and mulch details, staking, irrigation and lighting details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - f. *In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, any hard surfacing proposed over deep soil areas throughout the site shall be porous in nature. Details are to be provided with the construction certificate application.*
 - g. *To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas. The plans submitted for the construction certificate will be required to demonstrate that the system will be connected to the sites rainwater tanks, with back-up connection to the main supply, to current Sydney Water requirements.*
94. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
95. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate*

which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

96. *The naturestrip upon Council's Barker Street footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
97. *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.*
98. *Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown.*
99. *All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm.*

Tree Management

100. *The applicant shall submit a total payment of \$858.00 (including GST) to Council,*
 - a. *Being the cost for Council to supply and install 8 x 25 litre street trees (Jacaranda mimosifolia, Jacaranda's) evenly spaced along the Barker Street frontage at the completion of all works (\$780.00 + GST).*

*The contribution shall be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre **prior to a construction certificate being issued for the development.***
101. *Permission is granted for the removal of all vegetation within the subject site, subject to implementation of landscaping at the site which is in accordance with the landscape plan approved for the construction certificate.*
102. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*
103. *Permission is granted for the selective pruning of only those lower growing, overhanging branches from the southern sides of the two Melia azederach (White Cedars, represented as trees 24 & 25 on the landscape plan), comprising one each within the rear yards of 44 & 46 Barker Street, close to the common boundary, which need to be removed in order to avoid conflict with site machinery during the course of the works.*
104. *This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by*

a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

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

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

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

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

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

106. ***Should the preliminary site investigation report identify potential contamination, a detailed site investigation report must be undertaken by an independent and qualified environmental consultant. Should the detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:-***

- i. A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.***
- ii. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment and Conservation (DEC), including the Guidelines for Consultants Reporting on Contaminated Sites.***

This RAP is to include procedures for the following:

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

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

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

- v. *Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- vi. *The site remediation including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- vii. *Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
- viii. *A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental*

consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:

- *general site management, site security, barriers, traffic management and signage*
 - *hazard identification and control*
 - *worker health & safety, work zones and decontamination procedures*
 - *cross contamination*
 - *site drainage and dewatering*
 - *air and water quality monitoring*
 - *disposal of hazardous wastes*
 - *contingency plans and incident reporting, and*
 - *details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.*
- ix. *Remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of the construction certificate.*
- x. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
107. *Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

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:

108. *The residential units are to achieve the following internal acoustic amenity criteria:*
- a) *In naturally ventilated residential units; the repeatable maximum LAeq (1 hour) shall not exceed:*
- *35 dB(A) between 10pm and 7am in sleeping areas when the windows are*

- closed;
 - 45 dB(A) in sleeping areas when windows are open;
 - 45 dB(A) in living areas (24 hours) when the windows are closed, and
 - 55 dB(A) in living areas when the windows are open.
- b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum LAeq (1 hour) shall not exceed:*
- 38 dB(A) between 10pm and 7am in sleeping areas;
 - 46 dB(A) in living areas (24 hours).

*Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.***

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:

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

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

111. *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 Health, Building & Regulatory Services.*

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

112. *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*

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

113. *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.

114. *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.*

115. ***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.

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

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

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

117. *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.

118. *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".*

119. *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.

120. ***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.

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

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

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

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

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

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

122. *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.

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

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

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

124. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*

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

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

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

126. Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

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

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

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

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

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

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

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

130. 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.

131. *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.*

132. *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.

133. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- *preserve and protect the building /s on the adjoining land from damage; and*

- *if necessary, underpin and support the building and excavation in an approved manner; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

134. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

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

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

135. *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.*

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

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

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

138. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance*

with Council's approval at the following stage/s of construction:

- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

139. *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.*

140. *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.

141. *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.

142. *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.

143. *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.*

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

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

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

equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

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.

145. *A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
146. *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.*
147. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

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

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

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

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

149. *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.

150. *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.*

151. *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.*
152. *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.*
153. *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.

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

The following conditions are applied to provide reasonable levels of access for people with disabilities:

155. *Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and Council's development control plan for multi-unit housing to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the*

plans/specifications for the construction certificate.

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:

- | | |
|-----------------------|---|
| <i>a) Part B1</i> | <i>- Structural provisions</i> |
| <i>b) Part C1</i> | <i>- Fire resistance and stability</i> |
| <i>c) Part C3</i> | <i>- Protection of openings</i> |
| <i>d) Part D3</i> | <i>- Access for people with disabilities</i> |
| <i>e) Clause D3.5</i> | <i>- Car parking for people with disabilities</i> |
| <i>f) Part E1</i> | <i>- Fire fighting equipment</i> |
| <i>g) Part E2</i> | <i>- Smoke Hazard Management</i> |
| <i>h) Part E3</i> | <i>- Lift Installations</i> |
| <i>i) Part E4</i> | <i>- Emergency lighting, exit signs & warning systems</i> |
| <i>j) Part F1</i> | <i>- Damp and weatherproofing</i> |
| <i>k) Part F2</i> | <i>- Sanitary facilities for employees</i> |
| <i>l) Part F4</i> | <i>- Light and ventilation, in particular, the carpark</i> |
| <i>m) Part F5</i> | <i>- Sound Transmission and Insulation</i> |

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

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier (as applicable) 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.

AMENDMENT (Matson/Hughes) that the development application be deferred to enable the Local Traffic Committee to consider the matter of making Harbourne Lane one-way east bound. **LOST.**

AMENDMENT (Procopiadis/Woodsmith) that the recommendation be adopted, subject to the following amendments:

The following point to be added to Deferred Commencement Condition 1;

- Removal of the balconies from Building C (adjacent to 48 Barker Street).

The following additional Deferred Commencement Condition to be added;

3. Details of signage to be erected at the exit to the driveway of the property indicating "right turn only" in order to ensure the safety of children attending the Child Care Centre at 52 Barker Street, Kingsford.

Condition 34 being amended to read as follows;

34. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall;
 - a) demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development; and
 - b) provide for a person to control truck deliveries (for the duration of the proposed building work) during drop-off and pick-up times for children attending the Child Care Centre at 52 Barker Street, Kingsford. **LOST.**

MOTION (Nash/Bastic) CARRIED – SEE RESOLUTION.

6.3 DEVELOPMENT APPLICATION REPORT - 9 GARNET STREET, SOUTH COOGEE. (DA/537/2006 & PROP036126)

H89 **RESOLUTION:** *(Matson/White) that Council as the consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 537/06 for permission to use the upper level of the existing dwelling for bed and breakfast accommodation at 9 Garnet Street, Coogee for the following reasons:-*

1. *the development is not considered to be in the community interest.*
2. *the proposal does not provide adequate on-site parking to cater for the demands of the proposed development.*

MOTION (Matson/White) CARRIED – SEE RESOLUTION.

6.4 DEVELOPMENT APPLICATION REPORT - 40 HUGHES AVENUE, MAROUBRA. (DA/1051/2005/2 & PROP048700)

H90 **RESOLUTION:** *(Nash/Belleli) that:*

- A. *Council's original determination of Development Application No. 1051/2005 dated the 14th of March 2006 for alterations and additions to the existing dwelling house including, on the ground floor level, a new small deck, a minor extension to the family room and a new swimming pool, and on the first floor, a new study and deck at 40 Hughes Avenue, MAROUBRA, be rescinded.*

- B. 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. 1051/2005 for permission to construct alterations and additions to the existing dwelling house including, on the ground floor level, a new small deck, a minor extension to the family room and a new swimming pool, and on the first floor, a new study and deck at 40 Hughes Avenue, MAROUBRA NSW 2035 subject to the following conditions:-

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

1. The development must be implemented substantially in accordance with the plans numbered DA-01 through to DA-12, dated July 2006 and received by Council on the 14th of 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:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

2. 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.
3. There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.
4. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.

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

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

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

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:

6. *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.*
7. *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:

8. *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.

9. *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.*
10. ***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.*
11. ***Prior to the commencement of any building works**, the person having the benefit of the development consent must: -*
 - i) *appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *give at least two days notice to the Council, in writing, of the persons intention*

to commence building works.

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

12. *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.

13. *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".*
14. *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.

15. **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.

16. *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.*

17. *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.

18. *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:

19. *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.

20. *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.*

21. *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.

22. *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.

23. *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.*

24. *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.

25. *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.

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

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.

27. *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.*
28. *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.*
29. *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:

30. *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:

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

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

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

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

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

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

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

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

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

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

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and*
- *All pool overflow water is to be drained away from the building and adjoining*

premises, so as not to result in a nuisance or damage to premises.

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

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

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

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

6.5 DEVELOPMENT APPLICATION REPORT - 29 PARK STREET, CLOVELLY. (1082/2005)

H91 **RESOLUTION: (Hughes/Nash) that:**

- A. *Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), “Deferred Commencement” to DA/1082/2006 for alterations to the existing dwelling including a rear split level addition with skillion roof, a new double garage at the rear (off Campbell Lane) with paved terrace above, new front fence and additional detail to the street facade at 29 Park Street, Clovelly subject to the following conditions:-*

Deferred Commencement Conditions

The consent shall not operate until the applicant satisfies Council as to the following matters, to the satisfaction of the Director of City Planning:-

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

2. *A landscape plan for the site shall be submitted including details of plant species, paving and decking to the rear of the site. The landscape plan shall be submitted to and approved by Council’s Director of City Planning. Landscaping is to be maintained in accordance with the approved plans and specifications and shall include the following:*
- a. *A detailed landscape plan of the rear private open space which promotes the use of the space for recreation and minimises impermeable surfaces.*
 - b. *Landscaping shall preserve the existing view corridors of the surrounding properties.*

- c. *Landscaping shall not significantly reduce solar access for the adjoining properties as per the preferred solutions in Part 3.1 of the Dwelling Houses and Attached Dual Occupancies DCP.*

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

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 DRG.2511 DA1 B, dated 23 December 2005 and received by Council on 26 June 2006, the application form and on any supporting information received with the application, except as may be amended by the details approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*
2. *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.*
3. *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.*
4. *To ensure the privacy and amenity of the southern adjoining neighbour at No.27 Park Street is maintained, the south-facing laundry window is to be provided with obscured or frosted glazing.*

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

5. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandas, fences, retaining walls, boundary fences swimming pools and driveways etc.) located upon No's 27 and 31 Park Street.*

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

6. *A report shall be prepared by a professional engineer and submitted to and approved by Council's Director City Planning under Section 80A(2) of the Environmental Planning & Assessment Act 1979 **prior to the issuing of a construction certificate,***

detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report must demonstrate the suitability of the proposed methods of construction of the rear garage and associated works to overcome any potential damage to nearby land/premises. The report shall specifically address the existing southern boundary masonry wall located on No.31 Park Street and its adequacy, or otherwise, to support the proposed works. Should the report necessitate the need for a retaining wall along the boundary of No. 31 Park Street, details shall be provided to the satisfaction of Council's Director City Planning.

A copy of the report shall be submitted to the owners of No. 31 Park Street, Clovelly.

*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**.*

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

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

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

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

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

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

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

Details of any works proposed to be carried out in or on a public road/footway are to

be submitted to and approved by Council prior to commencement of works.

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

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

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

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

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

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

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

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

16. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000,*

to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

satisfaction of the certifying authority.

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

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

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

23. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*

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

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

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

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

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

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls,

shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32. *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.*
33. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*
- *Install or erect any site fencing, hoardings or site structures*
 - *Operate a crane or hoist goods or materials over a footpath or road*
 - *Placement of a waste skip (greater than 3m in length) or any container or other article.*

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

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

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

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

35. *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.*

36. *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.*

37. *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.*
38. *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.*
39. *A Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council **upon completion of the works** (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

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

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

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

43. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the driveway entrance, shall be:*
 - ***100mm above the edge of the concrete strip at the edge of Campbell Lane at all points along Campbell Lane***
44. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway must be indicated on the building plans for the construction certificate.*
45. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

46. *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.*
47. *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:

48. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
49. *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.*

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: (Matson/Woodsmith) that the recommendation be adopted, subject to the following amendments:

The following additional Deferred Commencement Condition to be added;

3. Amended plans are to be submitted to the satisfaction of the Director City Planning lowering the height of the eastern, rear section of the addition by 200mm.

Condition 5 being amended to read as follows;

5. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandas, fences, retaining walls, boundary fences swimming pools and driveways etc.) located upon No's 27 and 31 Park Street.

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

Condition 6 being amended to read as follows;

6. A report shall be prepared by a professional engineer and submitted to and approved by Council's Director City Planning under Section 80A(2) of the Environmental Planning & Assessment Act 1979 **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report must demonstrate the suitability of the proposed methods of construction of the rear garage and associated works to overcome any potential damage to nearby land/premises. The report shall specifically address the existing southern boundary masonry wall located on No.31 Park Street and its adequacy, or otherwise, to support the proposed works. Should the report necessitate the need for a retaining wall along the boundary of No. 31 Park Street, details shall be provided to the satisfaction of Council's Director City Planning.

A copy of the report shall be submitted to the owners of No. 31 Park Street, Croydon.

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. LOST.**

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

6.6 DEVELOPMENT APPLICATION REPORT - 238 BEAUCHAMP ROAD MATRAVILLE. (DA/999/03 & PROP028116)

H92 **RESOLUTION:** *(Nash/Belleli) that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/999/03 for permission to carryout alterations and additions to the dwelling in the following manner:-*

1. Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered 56/03, dated 19th March 2004 and received by Council on the 25th March 2004 the application form and on any supporting information received with the application, as amended by the Section 96(2) plans dated 12th April 2006 received by Council on the 28th April 2006, only in so far as they relate to the modifications highlighted on the Section 96(2) plans and detailed in the Section 96(2) application.

2. Condition No. 3 be deleted from the application.

3. Add the following Conditions:

29. *The infill timber slats to the front fence shall be at least 50% open to comply with the preferred solutions of the Development Control Plan for Dwellings and Attached Dual Occupancies.*
30. *The premises shall be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.*
31. *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.

32. *To maintain a reasonable level of privacy to the adjoining property the new upper level windows to the kitchen shall have a minimum sill height of 1600mm from floor level.*

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

7. MISCELLANEOUS.

7.1 DIRECTOR, CITY PLANNING REPORT 73/2006 - BUILDING CERTIFICATION SERVICES SURVEY. (F2005/00888)

- H93 **RESOLUTION:** *(Nash/Seng) that the report and Building Certification Services survey (2005/2006) be noted.*

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

7.2 DIRECTOR, CITY PLANNING REPORT 74/2006 - SECTION 54 REPORT - RANDWICK LOCAL ENVIRONMENTAL PLAN 1998 ADMINISTRATIVE REVIEW. (F2004/08093)

- H94 **RESOLUTION:** *(Nash/Belleli) that Council resolve, under section 54 of the Environmental Planning and Assessment Act, 1979 as amended, to prepare an Administrative LEP to make minor clarifications, corrections, and update definitions, clauses, provisions, wording and mapping into one consolidated LEP.*

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

7.3 DIRECTOR, CITY PLANNING REPORT 75/2006 - BACKPACKER TASKFORCE. (F2005/00161)

- H95 **RESOLUTION:** *(Matson/Nash) that the:*

- a) *Council adopt the proposed Terms of Reference for the Randwick City Council – Backpacker Task Force;*
- b) *Crs Notley-Smith, Matson and the Mayor (or alternatively, another East Ward Councillor) be nominated as representatives on the Randwick Backpacker Task Force; and*
- c) *Council officers take the necessary action to establish the Task Force.*

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

7.4 DIRECTOR, CITY PLANNING REPORT 76/2006 - UPDATE ON THE PROGRESS OF THE COMMUNITY SAFETY COMMITTEE. (F2004/08007)

- H96 **RESOLUTION:** *(Seng/Belleli) that the information contained within this report be noted and endorsed.*

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

7.5 DIRECTOR, CITY PLANNING REPORT 77/2006 - S94 DRAFT DEVELOPMENT CONTRIBUTIONS PLAN. (F2006/00093)

H97 **RESOLUTION:** *(Nash/Belleli) that Council endorse the preparation of a new S94 Development Contributions Plan based on applying a 1% levy under S94A of the EP&A Act, with the exclusion of Class 10 buildings and developments where the estimated cost of the work is less than \$50,000.*

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

7.6 DIRECTOR, CITY PLANNING REPORT 78/2006 - APPOINTMENT OF ST GEORGE COMMUNITY HOUSING ASSOCIATION TO MANAGE COUNCIL'S AFFORDABLE RENTAL HOUSING PROGRAM. (F2004/07991)

H98 **RESOLUTION:** *(Nash/Woodsmith) that Council:*

- a) *Endorse the appointment of St George Community Housing to manage Council's affordable rental housing portfolio for an initial five (5) years, with an option to extend for a further five years, subject to satisfactory performance review; and*
- b) *Note and endorse the contents of the evaluation and selection report.*

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

The meeting closed at 8.47 p.m.

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CHAIRPERSON