

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 10TH OCTOBER 2006 AT 6:36 P.M.**

PRESENT:

Mayor, Cr P. Tracey (Central Ward)

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Cr R. Belleli
East Ward	-	Crs M. Matson (Deputy Chairperson) & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash (Chairperson) & J. Procopiadis
Central Ward	-	Cr A. Andrews

OFFICERS PRESENT:

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

1. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Bastic, Daley, Notley-Smith, Seng & White.

RESOLVED: (Belleli/Matson) that the apologies from Crs Bastic, Daley, Notley-Smith, Seng & White for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 10th October, 2006 be received & accepted.

2. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 12TH SEPTEMBER 2006.

H99 **RESOLUTION: (Belleli/Woodsmith)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 12th September, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Crs Hughes, Matson and Sullivan declared non-pecuniary interests in Item 6.9 as they are all members of the Coogee Legion Club.

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:

Item 6.1 DEVELOPMENT APPLICATION REPORT - 14, 14A, 16 AND 18 FRANCES STREET, RANDWICK.

The Objector Ms Irene Hutnyk

The Applicant Mr Anthony Betros

Item 6.3 DEVELOPMENT APPLICATION REPORT - 33 ARCADIA STREET, COOGEE.

The Objector Ms Michelle Waldon

The Applicant Ms Fanista Kokkinomagoulos

Item 6.4 DEVELOPMENT APPLICATION REPORT - 291 DARLEY ROAD, RANDWICK.

The Applicant Ms Olga Vaneris

Item 6.5 DEVELOPMENT APPLICATION REPORT - 145-149S FRANKLIN STREET, MATRAVILLE.

The Objector Mr Terry Whitty

The Applicant Mr Greg Wilson

Item 6.6 DEVELOPMENT APPLICATION REPORT - 2 WINKURRA STREET, KENSINGTON.

The Objector Ms Maria Mavromatis

The Applicant Mr Rob Potter

Item 6.7 DEVELOPMENT APPLICATION REPORT - 96-98 ST PAULS STREET, RANDWICK.

The Objector Ms Eموke Tork

The Applicant Mr Stephen Buzacott

Item 6.8 DEVELOPMENT APPLICATION REPORT - 41 FRENCH STREET, MAROUBRA.

The Applicant Mr Peter Thomson

Item 6.9 DEVELOPMENT APPLICATION REPORT - 200-210 ARDEN STREET, COOGEE.

The Objector Mr Martin Faulkner

Item 7.1 DIRECTOR, CITY PLANNING REPORT 90/2006 - COOGEE SOCIAL IMPACT ASSESSMENT - LICENSED PREMISES.

For Mr Terry Bunton

Item 7.2 DIRECTOR, CITY PLANNING REPORT 91/2006 - PROPOSED COMMUNITY/AFFORDABLE HOUSING PROJECT ON COUNCIL-OWNED SITE, 64-66 MINNEAPOLIS CRESCENT, MAROUBRA.

Against Mr Reg Creaton

The meeting was adjourned at 7.56 p.m. and was resumed at 8.20 p.m.

5. URGENT BUSINESS.

5.1 GENERAL MANAGER'S REPORT 34/2006 - FURTHER AMENDED STAGE 1 DA FOR THE DOLINA SITE, LINK ROAD AND SOUTH DOWLING STREET, ZETLAND AND EPSOM RD, ROSEBERY (CITY OF SYDNEY DA NO. D/2005/1340) SYDNEY). (F2004/07907)

H100 **RESOLUTION:** *(Andrews/Sullivan) that Council note the submission dated 9th October 2006 sent to the City of Sydney outlining Council's concerns.*

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

6. DEVELOPMENT APPLICATIONS.

6.1 DEVELOPMENT APPLICATION REPORT - 14, 14A, 16 AND 18 FRANCES STREET, RANDWICK. (D/466/2006)

H101 **RESOLUTION:** *(Andrews/Sullivan) that:*

- A. *Council assume the concurrence of the Director of Planning to vary the provisions of Clause 31(3) and Clause 32 (1) of the Randwick Local Environmental Plan 1998 (as amended) relating to landscaped area and floor space ratio controls under State Environmental Planning Policy No. 1 since the proposal complies with the objectives of the clauses and will not adversely affect the amenity of the locality and that the Director-General of Planning be notified accordingly.*

AND

- B. Council, as the responsible authority grant its development consent as Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. 466/2006 for alterations and the refurbishment of the heritage listed properties (No.s 16 and 18 Frances Street) and for the construction of the basement car park and Torrens title subdivision of the site into three allotments, with easement over the rear portion of No.14 Frances Street (Stage One) and the construction of 12 x 2 storey dwellings on the rear portion of the site and strata subdivision (Stage Two) at No.s 14, 16 and 18 Frances Street, Randwick subject to the following Deferred Commencement conditions;

DEFERRED COMMENCEMENT CONDITIONS

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

HERITAGE/CONSERVATION

1. A Schedule of Conservation Works for the existing buildings shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's *The Conservation Plan*. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning.
2. The colours, materials and finishes of the external surfaces (new work) to the buildings No.16 and 18 Frances street are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted. The materials and colours proposed are to be keyed to the elevations of the buildings. This shall include details of the proposed paint scheme.
3. Further research is to be carried out to determine appropriate proportions and detailing to the upper level front window to no.16.
4. Careful consideration is to be given to the methodology of the construction of the missing half of the ground floor side entry arch to no.16, including matching (with either new, second hand or salvaged bricks) of the dark bricks which form the arch itself and the red bricks above the arch. General details of this methodology are to be provided in the Schedule of Conservation Works, but can be varied in consultation with Council's Director City Planning
5. Further details are to be provided in relation to the selection of the most appropriate and sympathetic materials and detailing to the upper level side balcony to no.16.
6. Further detail is to be provided in relation to the reinstatement of upper level front balcony to no.16 and the window between the upper level balcony and the adjacent bedroom, to determine appropriate materials and detailing of the balcony handrail, and appropriate proportions and detailing to the window.
7. Additional details are to be provided in relation to the appropriate finish to the wall between the upper level front balcony and the adjacent bedroom, ie- whether existing paintwork can be removed, or whether a paint finish is proposed and which is more

compatible with the face brickwork of the dwelling. Details of the proposed materials and finishes are to be submitted.

8. *Details are to be provided in relation to appropriate materials, colours and detailing to the rear upper level balconies to no.16 and no.18 which are to be reinstated.*
9. *Details are to be provided in respect of the materials to be incorporated for the steps to entry porch to no.18. Detailing of the steps is to be based on the 1970 drawings indicating their earlier configuration.*
10. *Details are to be provided in relation to the appropriate finish to the rear walls of dwellings (No.16 and 18) where later additions are to be removed, where original face brickwork has been painted and in some cases rendered and painted.*
11. *The sandstone capping to the existing masonry pier to the fence to no.16 is to be salvaged and reused in the construction of the new masonry pier. Existing bricks to the existing brick masonry pier to no.16 are to be salvaged and reused if possible in the construction of the new masonry pier. Amended plans of the front fencing are to be submitted to highlight this aspect. The plan is to be consistent with the elevations which have been submitted, indicating the retention of the western-most stone pier to no.18.*
12. *Consideration is to be given to the provision of front fencing to no.16, given the level difference between the front garden and the footpath below. Consideration is to be given to appropriate materials and detailing metal fencing to no.16 and no.18, based on evidence of the remaining masonry fences.*

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

DEVELOPMENT CONSENT CONDITIONS

- C. *Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director of City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 466/2006 for alterations and the refurbishment of the heritage listed properties (No.s 16 and 18 Frances Street) and for the construction of the basement car park and Torrens title subdivision of the site into three allotments, with easement over the rear portion of No.14 Frances Street (Stage One) and the construction of 12 x 2 storey dwellings on the rear portion of the site and strata subdivision (Stage Two) at No.s 14, 16 and 18 Frances Street, Randwick subject to the following conditions;*

DEVELOPMENT CONSENT CONDITIONS

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans and reports outlined below and received by Council on 20 June 2006;*
Plans:
 - *Numbered DA01 through to DA30 prepared by Fox Johnston Architects and*

dated June 2006

- *Survey plan prepared by Watson Buchan P/L and dated 17 May 2005*
- *Landscape plans numbered LPDA-01 and LPDA-02 prepared by 360 Landscapes and dated June 2006*

Reports

- *Heritage Impact Assessment prepared by City Plan Heritage and dated May 2006*
- *Geotechnical and Stage 1 Contamination Assessment prepared by Dosan P/L and dated June 2006*
- *Statement of Environmental Effects prepared by ABC Planning and dated June 2006*
- *Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates and dated June 2006.*
- *BASIX assessment dated 19 June 2006*
- *Schedule of colours and materials board received with the application and prepared by Fox Johnston Architects.*

and including 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:

HERITAGE CONSERVATION

2. *The conservation policies and maintenance program outlined in the Schedule of Conservation Works (as approved by Deferred Commencement No.1) are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director City Planning and shall be implemented prior to issuing the Final Occupation Certificate for Stage 1.*
3. *All the proposed details, colours and materials outlined in the amended plans satisfying Deferred Commencement Condition No.2 shall be incorporated in the Construction certificate for Stage 1.*
4. *A longer term Maintenance Schedule shall be prepared for No.s 16 and 18 Frances street and shall highlight the works in the buildings that are likely to require repair or restoration. The plan shall highlight internal and external works for the two terms (five and ten years). The schedule shall include the potential areas that may need attention and how these areas/works are to be treated (likely method of repairing the elements). The Maintenance Schedule is to accompany the contract for the sale of both No.16 and 18 Frances Street so that potential buyers know what work may need to be done. The Maintenance Schedule shall be prepared and shall be to the satisfaction of the Director of City Planning prior to the Final Occupation Certificate is issued for stage 1 works.*

ENVIRONMENTAL AMENITY:

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

5. *The northern retaining wall along the boundary that is to be rebuilt of blockwork is to be of a light, consistent colour preferably resembling sandstone to improve its visual appearance. Details of compliance shall be provided to the satisfaction of the Director of City Services prior to the issuing of the construction certificate for Stage 1.*
6. *The northern boundary fence above the retaining wall that is to be reconstructed shall have a solid base (maximum 600mm) and the remaining fencing (1.3m in height) above the solid base shall be light timber slats, steel pickets or open style materials to soften its visual appearance. The maximum overall height of the fence is to be 1.8m. Details of compliance shall be to the satisfaction of the Director of City Planning prior to issuing the construction certificate for Stage 2.*
7. *A solid masonry fence to a maximum height of 1.8m shall be provided for a length of 5.5m extending from the east of the site to provide privacy to the rear courtyard of dwelling No.7. Details of compliance with this condition shall be provided prior to issuing the construction certificate for Stage 2.*
8. *Fences located on the side of the premises shall not exceed a maximum height of 1800mm measured above the existing ground levels*

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

The applicant and owner is advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.
9. *The privacy screens proposed along the northern sides of the internal courtyards to dwellings Nos 6 and 7 at the rear shall be deleted in order to reduce the bulk and amount of physical structures along this northern side. Details of compliance shall be provided prior to the issuing of the construction certificate for Stage 2.*
10. *Along the western side of the townhouses at the first floor level a horizontal privacy screen shall be fixed to the external edge of the balustrade to the Juliette balcony off bedroom No.1 and shall have a minimum length of 2m and minimum height of 1.5m and located off the balustrade to the balcony to reduce the potential for overlooking to the rear of No.14 Frances street. Details of compliance shall be provided prior to the issuing of the Construction Certificate for Stage 2.*
11. *If balustrades are required around each rooftop terrace in accordance with the Building Code of Australia the balustrade shall be of clear glass or very open style materials and shall be located on the inner perimeter of the roof. Details of compliance shall be provided prior to issuing the construction certificate for Stage 2.*
12. *The planting along the perimeter of the roof terrace shall reach a minimum height of*

1m and shall be plants that are easy to maintain and prune. Details of the planting species shall be included with the landscape plan and details shall be provided prior to issuing the construction certificate for Stage 2.

13. *Within the 900mm rear setback to dwellings Nos 6 and 7 the soil depth over the basement slab shall be increased to 600mm so that plants reaching a minimum height of 2m can be achieved. Details of compliance shall be included in the landscape plan and shall be provided prior to issuing the construction certificate for Stage 2.*
14. *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 at any stage of building works occurring.*
15. *Any new roofing to the existing dwelling houses at No.16 and 18 Frances Street shall be non-reflective. Also the proposed aluminium privacy louvres or screens proposed for the new townhouses at the rear shall be constructed of non-reflective materials.*
13. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
14. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within all the buildings on site.*
15. *Street numbering of both the dwellings and the new townhouse development at the rear must be provided to the premises in a prominent position, to the satisfaction of Council. The main communal entry off Frances Street should include the provision of letterboxes which are clearly identified. Details of compliance shall be provided prior to issuing the construction certificate for Stages 1 and 2.*
16. *The enclosure of balconies is prohibited by this consent.*
17. *Internal or external clothes drying facilities to the townhouses are to be provided in accordance with the provisions of the Building Code of Australia. There shall be no clothes drying facilities provided on the roof terraces or front and rear first floor balconies or entries to the dwellings. Any external clothes drying facilities for the dwellings at the front (No.s 16 and 18 Frances street) shall be screened from view and shall be located at the back of the buildings.*

Any external clothes drying facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
18. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
19. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area. Low level but effective entry lighting shall be provided along the communal entry to the rear development and shall also be provided to the entry to the dwellings*

off Frances street (No.16 and 18) as well as to the car park entry. Details of the type, height and style of lights is to be detailed in the landscape plan and shall be to the satisfaction of the Director of City Planning prior to the approval of the construction certificate for Stage 1.

23. *In order to provide a safe and secure environment for residents, security mechanisms for the pedestrian building entry to the new development at the rear including the existing dwellings shall be provided, including an audio or video intercom system located at the building entry for visitors to communicate with residents. Details shall be submitted to and approved by the principal certifying authority **prior to a construction certificate being issued** for Stage 2 the development.*
24. *In order to ensure that the basement car park is secure for residents and visitors a security gate to the basement shall be provided with intercom facilities at the car park entrance for visitors, capable of being accessed by people with a disability. The security gate shall be recessed behind the front entry and shall be in line with the north-western boundary of No.16 Frances Street. Details shall be provided to the satisfaction of the certifying authority prior to the issue of the construction certificate for Stage 1.*
25. *The existing garage at the rear of No.14 Frances Street which is to be demolished to provide access for easement over the property is to be rebuilt. The size, scale and height of the new structure shall match as closely as possible the existing buildings. The proposed materials and colours shall resemble as closely as possible the existing construction materials and colours. New roofing shall be non-reflective. Details of compliance shall be provided prior to issuing the construction certificate for Stage 1.*
26. *Three bicycle spaces shall be provided within the basement of the proposed development. Details to be provided with the construction certificate application for Stage 1 works*
27. *Visitor car parking spaces shall be clearly marked. Details of compliance shall be provided prior to issuing the final occupation certificate for Stage 1.*
28. *Individual car spaces within the basement car park shall not be enclosed at any time.*
29. *The basement car park including the associated storage areas shall be kept clean and tidy at all times.*
30. *There shall be no storage of waste or rubbish along Frances Street or Kelso Lane at any time.*
31. *Power supply and telecommunications cabling to the development shall be underground.*
32. *Any television aerials shall be sited behind the building line and shall not be visible from any street frontages (including Kelso Lane)*
33. *Consent is not granted under this application for any satellite dishes.*
34. *Where access is required to adjoining premises for construction purposes, the consent*

of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

35. *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 prior to the issuing of the construction certificate for Stage 2.*
36. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate for Stage 2 documentation (as applicable), to the satisfaction of the Certifying Authority:*
- *Stormwater management (i.e. rainwater tanks)*
 - *Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)*
 - *Landscaping provisions*
 - *Thermal comfort (i.e. construction materials, glazing and insulation)*
 - *Energy efficiency (i.e. cooling & heating provisions and hot water systems)*
37. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for Stage 2 of this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate of Stage 2.

SECTION 94 CONTRIBUTIONS

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

38. *In accordance with Council's Section 94 Contributions Plan effective from 2nd September 1999, the following monetary contribution is to be paid to Council.*
- | | | |
|-----------|---|--------------------|
| <i>a)</i> | <i>for the provision or improvement of open space</i> | <i>\$32,784.00</i> |
| <i>b)</i> | <i>for the provision or improvement of community facilities</i> | <i>\$14,496.00</i> |
| <i>d)</i> | <i>Administration fee</i> | <i>\$425.00</i> |

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for Stage 1, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

OCCUPATIONAL HEALTH & SAFETY AND DANGEROUS GOODS:

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

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

ASBESTOS POLICY REQUIREMENTS

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

40. 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.

41. 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.

42. *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.*
43. *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.*
44. *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.

45. *A Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*
46. *To provide reasonable access for persons with disabilities, suitable access ramp/s are to be provided from the entry to the premises and to the building entrance to the satisfaction of the certifying authority and details are to be included in the construction certificate.*

NOISE EMISSION CONDITIONS:

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

47. *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment*

Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as a L_{Aeq} 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

48. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*

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

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

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

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

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

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

ENVIRONMENTAL POLLUTION & CONTROL:

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

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

51. *The location and facilities for the collection, storage and disposal of wastes generated*

within the premises shall be submitted to and approved by Council prior to the commencement of works.

PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS:

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

52. *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.

BUILDING REQUIREMENTS

53. *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.*
54. ***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.***
55. ***Prior to the commencement of any building works, the person having the benefit of the development consent must:-***
- i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

56. *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.

57. *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".*

58. *An Occupation Certificate must be obtained for Stages 1 and 2 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 staged 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.

59. *Prior to the issuing of an interim or final occupation certificate for stages 1 and 2, 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.

60. *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.*

61. *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 for stage 1 and 2 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.

62. *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 stage 1 and stage 2 of the development.

STRUCTURAL ADEQUACY:

The following group of conditions have been applied to ensure the structural adequacy and

integrity of the proposed building and adjacent premises:

63. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate for Stage 1**, 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 for Stage 1**.*

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

64. *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 for Stage 1, 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 for Stage 1**.*

65. *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) *70 Cowper Street – known as “Kelso Court” (just the dwellings in the rear/southern block)*

*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**.*

66. *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**.*

67. *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 for Stage 1 and 2, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

CONSTRUCTION SITE MANAGEMENT:

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

68. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
69. *A copy of the construction certificate (for Stages 1 and 2), 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.*
70. *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.

71. *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.*
72. *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.

73. *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.*
74. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*

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

75. *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.*
76. *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.*
77. *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.

78. *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.*
79. *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.*
80. *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.

81. *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.*

82. *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.

83. *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.

84. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*

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

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

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

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

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

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

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

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

Security Deposit Conditions

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

87. *The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for stage 1 of 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) \$10 000.00 - *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 advising Council, in writing, of the completion of all building works.*

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

Traffic conditions/Civil Works Conditions

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

88. *Prior to the issuing of an occupation certificate for the dwelling houses (stage 1) the applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Undertake civil works in Kelso Lane as required to facilitate vehicular access to the site. This shall include:*
 - *Construct a heavy duty concrete layback opposite the proposed vehicular entrance to the site in Kelso Lane;*
 - *Demolition of the existing low retaining wall in Kelso Lane;*
 - *Construction of a new sandstone retaining wall (within the laneway road reserve) along the eastern side of Kelso Lane between the new layback and the existing vehicular crossing into 70 Cowper Street;*
 - *Carrying out full width laneway reconstruction works in front of the new layback for a minimum length of 5 metres;*
 - *Construction of concrete kerb and gutter (and/or layback as required) along the eastern side of Kelso Lane for the full length of the laneway reconstruction works;*
 - *Construction of concrete kerb and gutter (and/or layback as required) along the western side of Kelso Lane for the full length of the laneway reconstruction works; and*
 - *Construction of full width concrete footpath between the concrete kerb and gutter and the property boundaries (and/or new retaining wall) on both the eastern and western sides of the laneway.*
 - b) *Remove the redundant concrete vehicular crossings and laybacks in Frances Street and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Reconstruct kerb and gutter along the full site frontage of 16-18 Frances Street.*

Note: this shall include reconstruction of the existing kerb inlet pit located along the site frontage.

- d) *Carry out a full depth minimum 1.50 metre wide, road construction in front of the new kerb and gutter along the Frances Street site frontage.*
- e) *Reconstruct any damaged sections of concrete footpath along the full site frontage of 16-18 Frances Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
89. *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.*
90. *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.*
91. *A Works Zone is to be provided in the vicinity of the subject site for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

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

92. *Prior to the issue of a construction certificate for stage 1, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.*
93. *Prior to the issue of a construction certificate stage 1, a structural/geotechnical engineer shall undertake a detailed assessment of the stability of the existing retaining wall along the northern boundary of the site. The assessment shall extend to cover the sections of wall adjoining the development site and the engineer shall provide full structural plans and a report detailing:*
- *How the existing wall will be demolished and the new wall constructed along the northern boundary of 16-18 Frances Street without compromising the stability of the adjoining sections of retaining wall;*
 - *How the proposed vehicular access will be constructed through the section of wall at the end of Kelso Lane without adversely affecting the adjoining*

sections of wall; and

- *The engineering design for the new sections of retaining wall.*

If approval is granted to the above method and works the adjoining building at No.70 Cowper Street (Kelso Court) shall be informed in writing when construction activity is to commence on the site. Ideally two weeks notice should be provided.

94. *All works shall be undertaken in accordance with the structural/geotechnical engineers report and the engineer shall be present on site throughout the full duration of retaining wall works to supervise the demolition and wall re-construction processes.*
95. *The engineer supervising the works shall certify on completion that all works have been undertaken in accordance with their design and relevant engineering standard.*
96. *All reconstructed/new portions of the retaining wall shall be located wholly within the subject development site.*
97. *Should access be required through any adjoining property to facilitate retaining wall works, the applicant will be required to liaise directly with the adjoining property owner to obtain approval for entry. Such consent shall be obtained prior to the issue of a construction certificate for stage 1 so that if consent is withheld by an adjoining property owner, the construction regime may be modified to remove the need to enter private land.*
98. *Prior to the issue of an occupation certificate for the dwelling houses (stage 1), suitable easements for access shall be created over the access driveway from Kelso Lane. The easement shall be created over 14-14A Frances Street (benefiting 16-18 Frances Street) and shall be limited in height to allow for the shed to be rebuilt over the top of the access driveway.*

Note: The submitted draft subdivision plan shows the access driveway being incorporated into Lot 3 (rather than being covered by an easement for access). The subdivision plans shall be amended to show the existing boundary between 14-14A Frances Street and 16 Frances Street being unchanged prior to the endorsement of the subdivision plans.

Alignment Level Conditions

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

99. *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:*
 - ***Frances Street: Match the back of the existing footpath along the full site frontage.***
(As per the submitted survey plan by Watson Buchan dated 17 May 2005)
 - ***Kelso Lane: RL 70.33 (AHD)***
(As per the amended Basement Plan DA31 by Fox Johnston dated 2 August 2006)

100. *The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate. The design alignment levels at the property boundaries must be strictly adhered to.*
101. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$2305 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 stage 1 of the development.*

Service Authority Conditions

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

102. *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.*
103. *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.*
104. *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 stage 1 of the development.*
105. *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 for stage 1 to determine whether or not an electricity substation is required for the development.*
106. *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 dwelling houses (stage 1).*
107. *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 for stage 1.*
- *The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.*

Drainage Conditions

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

108. ***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 (for entire development at 16-18 Frances Street) shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for stage 1 of 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 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.*
 - 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.*
 - Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - Roof areas*
 - Paved areas*
 - Grassed areas*
 - Garden areas*
 - 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.*
 - 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.*
109. *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.*
110. *All stormwater runoff from proposed Lots 1 and 2 must be discharged (by gravity) to either:*
- a) *The underground drainage system in Frances Street via a kerb inlet pit; OR*
 - b) *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*
111. *All stormwater runoff from proposed Lot 3 must be discharged (by gravity) to either:*
- c) *The underground drainage system in Frances Street;*
 - d) *The kerb and gutter or drainage system in Kelso Lane; OR*
 - e) *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*
112. *Should stormwater from proposed Lot 3 be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from Lot 3 does not 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 Lot 3 for all storms up to the 1 in 100 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.*

The on-site detention system may be sized for the 1 in 20 year storm event (rather than the 1 in 100 year storm event) if stormwater run off from the site is discharged directly into Council's underground drainage system. This would require the applicant to meet all costs associated with extending Council's underground drainage system in Kelso Lane to the proposed site outlet point.

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.

113. *Should stormwater from proposed Lots 1 or 2 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.

114. *Should stormwater from proposed Lot 3 be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 100 year storm event with provision for a satisfactory overland flow path.*
115. *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.*
116. *The detention areas/infiltration systems must be regularly cleaned and maintained to ensure they function as required by the design.*
117. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*
 - f) *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);*
 - g) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10;*
 - h) *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area.*

Notes:

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

118. *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.*
119. *The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

120. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
121. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
122. *If stormwater is to be discharged to Council's underground drainage system:*

- *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;*
- *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. All costs associated with reinstating areas damaged by the pipeline installation shall be met by the applicant;*
- *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*

123. *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.

124. *Sediment/silt arrester pits must be provided:-*

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

The sediment/silt arrester pits 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.*

125. *A minimum of one covered car washing bay shall be provided for this development.*
- The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued.*
 - The car washing bay must be located outside any required/approved stormwater detention system.*
 - The car washing bay may be located within one of the visitor parking spaces provided it is signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
 - A water tap shall be located adjacent to the car washing bay.*
126. *Prior to the issuing of an occupation certificate for the townhouse development (stage 2), 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:*
- The location of the detention basin with finished surface levels;*
 - Finished site contours at 0.2 metre intervals;*
 - Volume of storage available in the detention areas;*
 - The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - The orifice size(s) (if applicable);*
 - Details of any infiltration/absorption systems; and*
 - Details of any pumping systems installed (including wet well volumes).*
127. *Prior to the issue of an occupation certificate for the townhouse development (stage 2), 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.*

128. *Should significant seepage flows be encountered within the depth of the basement excavation; and/or the basement carpark intersect the bedrock, 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 prior to the issue of an occupation certificate for stage 1.*

Notes:-

a) *Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*

b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*

Waste Management Conditions

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

129. *The waste storage area for the 12 townhouses shall be sized to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins.*

130. *The waste storage areas for the two dwelling houses shall each be sized to contain 1 x 120 litre garbage bin, 1 x 240 litre recycling bin and 1 x 240 litre green waste bins. The plans submitted for the construction certificates for stages 1 shall demonstrate compliance with this requirement.*

131. *The waste storage area for the 12 townhouses is to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

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

133. *Waste bins for the townhouses shall be presented for weekly collection in Kelso Lane in general accordance with the diagram submitted to Council by Barua Pty Limited, received 4 July 2006.*

134. *Waste bins for the dwelling houses shall be presented for weekly collection in Frances Street.*

135. *Prior to the issuing of a construction certificate for stage 1 of the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

The plan shall detail the type and quantity of waste to be generated by the

development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

Subdivision Conditions

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

Torrens title subdivision of 16-18 Frances Street to create 3 new lots

136. *The applicant shall create suitable easements for support over Lots 1, 2 and 3 (benefiting each other lot) at basement level. This condition has been included as it is not proposed to construct the basement with structurally independent elements under each lot.*
137. *The applicant shall create suitable easements for access (benefiting Lots 1 and 2) through the access aisle in the basement carpark (Lot 3) to facilitate access to the parking spaces allocated to Lots 1 and 2 (Stage 1).*
138. *The applicant shall create suitable easements for parking and access (benefiting Lots 1 and 2 as appropriate) over the portion of the parking spaces and egress stairs allocated to Lots 1 and 2 that encroach into Lot 3 (Stage 1).*
139. *Part of the car parking area for Townhouse 1 (Lot 3) extends into proposed Lot 1; hence an easement for access and parking (benefiting Lot 3) shall be created over the subject portion of Lot 1 to facilitate access to the parking space.*
140. *An easement for access/right of access benefiting Lot 3 shall be created over the portion of the circulation aisle that encroaches into Lot 2 (Stage 1).*
141. *Suitable easements for services and stormwater lines shall be created where required. The applicant is advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
142. *Each of the easements required by the above conditions of consent shall be registered in conjunction with the plan of Torrens title subdivision creating the three new allotments*
143. ***A subdivision certificate for the proposed deposited plan subdivision shall not be issued prior to the completion of all Stage 1 works.***

Strata subdivision of Lot 3

144. *A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property (in conjunction with registration of the plan of strata subdivision for the townhouses) (Stage 2) to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Development Engineer.*
- b. *The subdivision plans shall indicate the location and dimensions of the detention/infiltration areas.*
- 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.*

145. *The applicant shall create suitable easements as required.*

146. *All conditions of this development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.*

147. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the strata subdivision plans for Stages 1 and 2.*

Landscape Conditions

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

148. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared GM of 360 Landscape Architects, drawing number LPDA-01, issue A, sheet 1 & 2, dated June 2006 and stamped received at Council on 20th June 2006, subject to the following additional requirements being shown on an amended plan, to the satisfaction of the certifying authority, prior to the issue of a construction certificate for stage 1:*

- a. *In order to provide sufficient and appropriate levels of screening and privacy between this site and adjoining properties, as well as to ensure that the proposed planting is in keeping with the scale and bulk of the development, making full use of those areas of deep soil which will accommodate larger specimens than the 4 metre high species proposed, a minimum number of a 5 x 25 litre (pot size at the time of planting) trees shall be provided within the rear (northern) half of the site, using those native species which will attain a minimum height of 6 metres at maturity, and will comprise a minimum number of two along the western boundary and a minimum of three along the eastern boundary (Stage 2)*
- b. *The exact quantity of species proposed throughout the site needs to be clearly indicated on the planting plan.*
- d. *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.*

149. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and Council, if Council is not the PCA) prior to the issuing of a final occupation certificate for stage 2 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.*
150. *To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed to provide full coverage to all planted areas (grass/turf exempt) within 16-18 Frances Street.*

Details are to be submitted showing connection of this system to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with current Sydney Water requirements.

151. *The naturestrip upon Council's Frances 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 for stage 1. If the verge is damaged during construction of stage 2, the naturestrip shall be re-turfed again prior to the issue of an occupation certificate for stage 2.*
152. *Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown on all detailed landscape drawings and specifications.*
153. *All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

Tree Management

154. *The applicant shall submit a total payment of \$107.25 (including GST) to Council,*
- a. *Being the cost for Council to supply and install 1 x 25 litre street tree (Lophostemon confertus, Brush Box) along the Frances Street frontage (immediately south of the existing vehicular crossing to 16-18 France Street) at the completion of all works (\$97.50 + 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 stage 1 of the development.***

The applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working weeks notice, to arrange for provision of this new

street tree upon completion of all site works.

155. *The following trees shall be removed as part of the proposed works, subject to implementation of landscaping at the site which is installed substantially in accordance with the landscape plan approved in the construction certificate:*
- r) *One Pittosporum undulatum (Sweet Pittosporum) in the front portion of the site, near the southwest corner of the existing dwelling (16 Frances Street) due to its undesirable, weed-like properties and to allow for the provision of new landscaping in this area.*
 - s) *One Lophostemon confertus (Brush Box) in the rear yard, along the western boundary of 16 Frances Street, near the northwest corner of the existing dwelling due to its poor form as well as to accommodate the proposed works as indicated.*
156. *A professional Arborist ('the site Arborist'), holding a minimum qualification of Certificate 4 in Arboriculture, and who is a registered member of a nationally recognized organisation, shall be engaged to supervise those components of the proposed works which have the potential to affect (either directly or indirectly) those trees listed for retention in this consent, with all site staff required to comply with any written or verbal instructions issued by the site Arborist which relates to the preservation of these trees.*
157. *All relevant details of the site Arborist shall be submitted to the satisfaction of the certifying authority, prior to the physical commencement of any works at the site.*
158. *Permission is granted for the minimal and selective pruning of only those lower growing branches from the Ficus rubiginosa (Port Jackson Fig), located within the existing internal driveway serving 16-18 Frances Street, which need to be removed in order to avoid damage/conflict with site machinery during the course of the proposed works. The amount of pruning will not be such that it will significantly alter the habit of form of this tree, and will only be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
159. *Permission is granted for the selective under-pruning of only those lower growing branches from the three Lophostemon confertus (Brush Box) street trees located on Council's nature strip in front of 16-18 Frances Street, comprising one to the west of the existing vehicle crossing and two to the east, which need to be removed in order to avoid damage/conflict with site machinery during the course of the proposed works. The applicant/site Arborist will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least 2 working days notice, to ensure supervision of any pruning of these street trees. This pruning will be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
160. *Prior to the issue of an occupation certificate for the dwelling houses (stage 1), the applicant/site Arborist shall provide written certification, to the satisfaction of the certifying authority, confirming attendance on site during the relevant stages of the proposed works, and that all recommendations and conditions of consent relating to the protection of those trees listed for retention were complied with during the course of the works.*

Tree Protection Measures

161. *In order to ensure the retention of the three Lophostemon confertus (Brush Box) street trees located on Council's nature strip in front of 16-18 Frances Street, comprising two to the east of the existing vehicle crossing and one to its west in good health, the following measures are to be undertaken:*

- a. *All detailed documentation submitted for the construction certificate applications shall show the retention of these street trees with the position of their trunks and full diameter of their canopies clearly shown on all drawings.*
- b. *The trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located along the back of the kerb, a minimum distance of 1 metre off the eastern and western sides of each trunk and along the back of the footpath in order to completely enclose each tree.*

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

- c. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
- d. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

162. *In order to ensure the retention of the Ficus rubiginosa (Port Jackson Fig) located within the existing internal driveway (serving 16-18 Frances Street) in good health, the following measures are to be undertaken:*

- a. *All detailed documentation submitted for the construction certificate applications shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
- b. *In order to prevent the indiscriminate damage of roots or branches by site machinery, the demolition of any concrete surfacing within 3.5 metres of the outside edge of the trunk shall be initially performed and removed by hand under the directions of the site Arborist.*
- c. *Any excavations required for footings associated with the proposed sandstone risers to the south of its trunk or the retaining wall to its east shall be initially performed by hand, and under the direction/supervision of the site Arborist.*
- d. *Should any significant roots be encountered which the site Arborist determines must be preserved, the footing for these structures shall be relocated over/around/away from these roots (using a construction method that is satisfactory to both the engineer and site Arborist) in order to prevent disturbance to these roots. Any smaller, insignificant roots which the site Arborist determines can be pruned without affecting the health or stability of the tree shall be cut*

cleanly by hand and the affected area backfilled as soon as practically possible.

- e. *Other than works associated with the proposed sandstone surfacing surrounding its trunk, this tree is to be physically protected at all times by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 3 metres off the northern side of the trunk, 3.5 metres off the western and eastern sides and 1.5 metres off the southern side of its trunk (to allow site access).*

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

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

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

- g. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

ADVISORY MATTERS:

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

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

- | | | | |
|----|-----------------------------|---|---|
| a) | <i>Part B1</i> | - | <i>Structural provisions</i> |
| b) | <i>Part C1</i> | - | <i>Fire resistance and stability</i> |
| f) | <i>Clause C3.2&C3.4</i> | - | <i>Protection of openings in external walls</i> |
| p) | <i>Part E1</i> | - | <i>Fire fighting equipment</i> |
| q) | <i>Part E2</i> | - | <i>Smoke Hazard Management</i> |
| r) | <i>Part E3</i> | - | <i>Lift Installations</i> |
| s) | <i>Part E4</i> | - | <i>Emergency lighting, exit signs & warning systems</i> |
| t) | <i>Part F1</i> | - | <i>Damp and weatherproofing</i> |
| w) | <i>Part F4</i> | - | <i>Light and ventilation, in particular, the carpark</i> |
| x) | <i>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 prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

- A2. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*
- A3. *The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.*

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

6.2 DEVELOPMENT APPLICATION REPORT - 18 ZIONS AVENUE MALABAR. (DA/648/2006)

H102 **RESOLUTION:** *(Andrews/Sullivan) that:*

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/648/2006 for Proposed home activity for hairdresser within existing dwelling at 18 Zions Avenue MALABAR subject to the following conditions:-*
- 1. The development must be implemented substantially in accordance with the plans numbered “Dwg No 1.04, 1.05, 1.06 and 1.07”, dated 26 May 2006 and received by Council on 29 June 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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:

- 2. Details of the content of the proposed sign including wording and colours shall be submitted to an approved by the Director of City Planning prior to the commencement of the use.*
- 3. The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
- 4. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
- 5. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

6. *Hairdressers must comply with the Local Government (General) Regulations 2005 and the Public Health Act & Regulations 1991, and the premises is to be registered with Council prior to occupation and on an annual basis and the approved registration/inspection fee is to be forwarded to the Council prior to occupation.*

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:

7. *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.*
8. *In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*
9. *The hours of operation of the business are restricted to Monday to Sunday 8am to 6pm.*

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

6.3 DEVELOPMENT APPLICATION REPORT - 33 ARCADIA STREET, COOGEE. (DA/614/2006)

H103 **RESOLUTION: (Matson/Woodsmith) that:**

- A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 32(2) of the Randwick Local Environmental Plan 198 (as amended), relating to maximum floor space ratio on the grounds that the proposed development is consistent with the relevant objectives of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly;*

AND

- B. *Council as the responsible authority grant its development consent under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/614/2006 for the enlargement of window on eastern elevation, internal alterations and relocation of front door at 33 Arcadia Street, Coogee subject to the following conditions:*
 1. *The development must be implemented substantially in accordance with the plans numbered "Drawing No. 2002196-A04" dated Jul 02, and unnumbered, undated plans received by Council on the 2nd August 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to satisfy the provisions of section 79C of the

Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *Fixed louvres shall be provided to the proposed ground floor bedroom window located on the eastern elevation. Details to be provided to the satisfaction of the Director, City Planning.*
3. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*

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

4. *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.*
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 manufacturer's details.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. *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:

16. *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.

17. *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.*
18. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*
19. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
20. *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.

21. *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.

22. *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.*

23. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

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

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

25. *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.*

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

6.4 DEVELOPMENT APPLICATION REPORT - 291 DARLEY ROAD, RANDWICK. (DA/610/2006)

H104 **RESOLUTION:** *(Andrews/Sullivan) that Council's Health Building and Planning Committee, 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. DA/610/2006 for permission to construct a new front hard stand car space for 291 Darley Road, RANDWICK NSW 2031 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 unnumbered, undated and received by Council on 2nd August 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. *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.*

Civil Works Conditions

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

3. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
 - i) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
4. *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.*
5. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

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

Service Authority Conditions

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

9. *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.*
10. *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:

11. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
12. *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.*

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

13. *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.

14. *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.*
15. ***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.***
16. ***Prior to the commencement of any building works, the person having the benefit of the development consent must: -***
- i) *appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

17. *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.

18. *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".*
19. *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.

20. ***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.

21. *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.*

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

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

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

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

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

27. *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.

Advisory Conditions

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

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

6.5 DEVELOPMENT APPLICATION REPORT - 145-149S FRANKLIN STREET, MATRAVILLE. (DA/0639/2005)

H105 **RESOLUTION: (Belleli/Sullivan)** *that Council's original determination of Development Application No. 639/2005 dated 12 May 2006 for the construction and operation of telecommunications facility consisting of 22m high monopole supporting 1 cluster mount antenna, 2 equipment shelters (single storey) within a fenced compound on existing substation site at 145-149S Franklin Street, Matraville, be confirmed.*

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

H106 **FURTHER RESOLUTION: (Belleli/Sullivan)** *that Council authorise the submission of a late motion to the LGA Conference to debate the issue of the impact of non-thermal effects of low level non-ionising radiation.*

FURTHER MOTION: (Belleli/Sullivan) CARRIED – SEE RESOLUTION.

6.6 DEVELOPMENT APPLICATION REPORT - 2 WINKURRA STREET, KENSINGTON. (DA/548/2006)

H107 **RESOLUTION: (Andrews/Sullivan)** *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 548/2006 for Alterations and new first floor additions to the existing dwelling house including new double garage and boundary fencing at 2 Winkurra Street, Kensington subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA01 and DA02, dated July 2006 and received by Council on 7 July 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *The colours, materials and finishes of the external surfaces to the building are to be in*

accordance with the schedule of external colours and materials prepared by Arlington Property Group and received by Council on 19 July 2006.

3. *The windows to the bathroom and ensuite on the northern elevation at first floor level shall be provided with obscured glazing. Details of compliance are to be provided in the construction certificate plans.*
4. *The sill height of the window to the bedroom on the northern elevation at first floor level is to be increased to a minimum height of 1.5m above floor level, or alternatively, the window is to be fixed and provided with obscured glazing below 1.5m above floor level, to minimise overlooking into the rear yard area of the adjoining dwelling at 49 Dowling Street, Kensington. Details of compliance are to be provided in the construction certificate plans.*
5. *A privacy screen having a minimum height of 1.8m, measured from the finished balcony level, is to be provided to the northern side of the first floor balcony, to maintain reasonable levels of privacy to the occupants of subject and adjoining dwellings. Details of compliance are to be provided in the construction certificate plans.*
6. *The height of the garage is to be reduced by approximately 300mm to match the height of the adjacent garage at No. 51 Dowling Street and the openings are to feature timber panel lift doors. Details of the design, height and materials of the garage 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 development.*
7. *The length of the proposed garage wall at its north-western corner shall be reduced by approximately 1.2m to match the length of the adjacent garage at 51 Dowling Street. Details of compliance are to be submitted 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 development.*
8. *The section of fence in front of the southern elevation of the dwelling is to be a maximum height of 1.5m, measured from the finished footpath level, and be designed so that the upper one third of the fence (exclude any piers or posts) is at least 50% open and is to be provided with pickets. Details of the colours, design, height, materials and structure of the front fence and gates to 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 development. Fencing and gates are to be compatible with the architectural style of the building and streetscape.*
9. *The section of the fence to the east of the alignment of the eastern elevation of the dwelling is to be a maximum height of 1.8m, measured from the finished footpath level, and the upper one third of the fence is to be provided with pickets. Pickets may be more closely space to provide privacy. Details of the colours, design, height, materials and structure of the front fence and gates to 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 development. Fencing and gates are to be compatible with the architectural style of the building and streetscape.

10. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
11. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
12. *There must be no encroachment of the structures including eaves, gutters, hoods and similar structures or attachments onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
13. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
14. *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.*

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

15. *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.*
16. *New external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

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

17. *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:

18. *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.

19. *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:

20. *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.

21. *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.*
22. ***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.*
23. ***Prior to the commencement of any building works**, the person having the benefit of the development consent must: -*
- i) appoint a Principal Certifying Authority for the building work; and*
 - ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

24. *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.

25. *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".*
26. *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.

27. *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.

28. *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.*

29. *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.

30. *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:

31. *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.

32. *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.*

33. *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.

34. *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.

35. *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.*

36. *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.

37. *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.

38. *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.

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

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

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

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

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

40. *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:

41. *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:

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

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

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

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

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

Civil Works Conditions

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

44. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
- a. *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b. *Remove the redundant concrete vehicular crossing and layback and to*

reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.

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

Alignment Level Conditions

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

47. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
 - ***40mm above the back of the existing footpath along the full site frontage.***
48. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
49. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid to Council prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

50. *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.*
51. *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:

52. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
53. *All planter boxes/setbacks along the boundary alignments shall be of a consistent style and dimension that will support the establishment of suitable landscaping, with sufficient details of the proposed planters and species selection to be submitted to the satisfaction of Council's Landscape Development Officer (9399-0613) prior to the issue of a construction certificate. Species selection shall be restricted to those which require low maintenance and will not encroach or impede onto the pedestrian footpath.*

Tree Management

54. *The following trees shall be removed from the site to accommodate the proposed works as shown, subject to the planting of 2 x 25 litre (pot size at the time of planting) replacement trees within the rear yard of the site, using those native species which will attain a minimum height of between 4-7 metres at maturity, and shall be clearly shown, to the satisfaction of the certifying authority, on all plans submitted for the construction certificate:*
 - a. *One Thuja occidentalis (White Cedar) in the front yard, in the southwest corner of the site in order to allow construction of the proposed garage in the location shown.*
 - b. *One Thuja occidentalis (White Cedar) in the rear yard, along the northern boundary to accommodate the proposed rear extension and courtyard as shown.*
 - c. *One Thuja occidentalis (White Cedar) in the rear yard, right at the 'bend' along the southern boundary to allow construction of the boundary fencing as shown.*

NOTE: All plans submitted for the construction certificate shall show the setback provided around the tree at the 'bend' of the eastern boundary as being maintained to allow for new planting to be provided in this area despite the existing tree being removed as part of the proposed works.

Tree Protection Measures

55. *In order to ensure the retention of the Syzygium paniculatum (Magenta Lilly Pilly) on*

Council's Winkurra Street nature strip in good health, the following measures are to be undertaken:

- a. All detailed documentation submitted for the construction certificate application shall show the retention of the existing street tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
- b. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 1 metre off the eastern and western sides of its trunk, as well as along the back of the pedestrian footpath and back of kerb to completely enclose the tree.*

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

- c. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
- d. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

56. In order to ensure the retention of the Persea americanna (Avocado Tree) located in the rear yard, in the northeast corner of the site in good health, the following measures are to be undertaken:

- a. All detailed documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
- b. All detailed documentation submitted for the construction certificate application shall show no alteration in the existing soil levels within a radius of 3 metres from the outside edge of its trunk.*
- c. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 3 metres off the western side of its trunk, matching up with the northern and southern boundaries to completely enclose the tree.*

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

- d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
- e. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

ADVISORY MATTERS:

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

Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.

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

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

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

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

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

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

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

6.7 DEVELOPMENT APPLICATION REPORT - 96-98 ST PAULS STREET, RANDWICK. (D1082/2004)

(Note: A rescission motion on this matter was handed to the General Manager after the conclusion of the meeting in accordance with Council's Code of Meeting Practice.)

- H108 **RESOLUTION: (Matson/Hughes)** *that this matter be deferred in order for it to be referred back to the SEPP65 design review panel for reassessment.*

MOTION: (Hughes/Matson) that:

Council as the responsible authority refuse its consent under Section 96 (2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No.1082/2004 on property at 96-98 St Pauls Street, Randwick, for the following reasons:

- (a) the Section 96(2) argument fails to make a compelling and convincing case for the improvements of the development;

- (b) excessive FSR of 1.42 is a dramatic departure from the already approved FSR, which is already over that which appears in the DCP, notwithstanding the SEPP55 consideration;
- (c) further exacerbates the excessive bulk and scale due to the enclosure of the presently opened areas;
- (d) reduction in the SEPP65 Design Quality as articulated by the Design Review Panel in their assessment; and
- (e) the proposal is not in the community interest. **LOST.**

MOTION: (Andrews/Sullivan) that Council as the responsible authority grant its consent under Section 96 (2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No.1082/2004 on property at 96-98 St Pauls Street, Randwick, in the manner detailed in the report.

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

6.8 DEVELOPMENT APPLICATION REPORT - 41 FRENCH STREET, MAROUBRA. (DA/368/2006)

H109 **RESOLUTION: (Andrews/Belleli)** that Council as the responsible authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/68/2006 for the construction of an off-street car parking space and carport structure to the front of the semi-detached dwelling at 41 French Street, MAROUBRA subject to the following conditions:

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

1. *The development must be implemented substantially in accordance with the plans numbered 083/06, Sheets 1 to 3, dated 16/5/06 and received by Council on the 24th May 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*
3. *There must be no encroachment of the structure onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner of the adjoining land accordingly.*

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

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

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

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

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

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

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

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

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

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

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

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

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

12. *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.*

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

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

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

- 14. 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.*
- 15. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil

and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

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

16. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*
17. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
18. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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

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

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

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

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

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

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

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

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

21. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site including any associated retaining walls and appropriate safety railing along the southern edge of the Council driveway.*
 - b) *Reconstruct the steps on Council's nature strip to comply with Council's standards, this will include the installation of a handrail.**
22. *Prior to the commencement of building works the applicant is to submit details of the retaining wall structures on Council's nature strip and have them approved by the Director of City Services including appropriate safety railing along the southern edge of the Council driveway.*
23. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
24. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

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

determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the car space slab shall be:

- **RL 39.27.**

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

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

28. *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.*
29. *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.*

Tree Management

30. *The Agonis flexuosa (Willow Myrtle) on Council's French Street nature strip shall be removed in order to accommodate the proposed vehicle crossing and internal hardstand as shown. The applicant will be required to lodge the required amount with Council to cover the costs for:*
 - a. *Removing the street tree, and*
 - b. *A loss of amenity charge resulting from its removal.*

The applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working weeks notice, to arrange for Council or Council's approved contractors to remove the existing street tree prior to the physical commencement of any works at the site, whereupon, written confirmation of the costs incurred will be forwarded to the applicant.

This 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.

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

AMENDMENT: (Hughes/Matson) that the driveway be reduced from 3.7 metres to 3 metres so that the tree can be retained and delete the carport structure retaining only a hardstand. **LOST.**

6.9 DEVELOPMENT APPLICATION REPORT - 200-210 ARDEN STREET, COOGEE. (DA/156/2005/C & PROP 017563)

H110 **RESOLUTION: (Andrews/Sullivan) that:**

- A. *Council as the responsible authority grant its consent under Section 96 (2) of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. DA/156/2005 on property 200-210 Arden Street, COOGEE NSW 2034 in the following manner:*

- 1. Amend Condition No. 1 to read:**

The development must be implemented substantially in accordance with the plans numbered DA-01 through to DA-06 of job number 6306, dated 01/03/2005 and

received by Council on the 3rd of March 2005, the application form and on any supporting information received with the application, as amended by the:

- Section 96A plans dated November 2005 and received by Council on the 31st of January 2006;
- Section 96B plans dated March 2006 and received by Council on the 27th of April 2006; and,
- Section 96C plans dated the 12th of February 2006 and received by Council on the 21st of July 2006,

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

2. Include the following Conditions to read:

84. The two neon illuminated poles adjacent to the lift well shall be deleted from the proposal.
85. The two flush wall signs, stating the business name "Coogee Legion Club" and the Australian Legion of Ex-Servicemen & Women Insignia, shall only be illuminated between dusk and midnight.

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

**6.10 DEVELOPMENT APPLICATION REPORT - 552 BUNNERONG ROAD
MATRAVILLE. (DA/448/2003/C & PROP046456)**

H111 **RESOLUTION: (Andrews/Sullivan)** 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/448/03 for permission to extend the living areas on the first floor to the rear and enlarging the bedrooms No.1 to dwellings No.7, 8, 9 (front building) and 10 and 12 (rear building) introducing operable louvres to the rear elevation and other minor changes at 552 Bunnerong Road, Matraville in the following manner:

1. Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans drawn by CS& A, numbered DA/-1-DA/10 dated November 2003 and received by Council on 14 November 2003, the application form and on any supporting information received with the application and as amended by the Section 96 plans numbered FP01, revision E sheets 1-3 dated 11 May 2006 and received by Council on 22nd May 2006 only in so far as they relate to the modifications highlighted on the Section 96 application and as amended by the following conditions.

2. Add condition No. 108 to read:

"The commercial tenancy shopfront shall incorporate floor to ceiling glazing along its front elevation. Details of compliance shall be provided with the construction certificate."

3. Add condition No. 109 to read:

That solid fixed floor to ceiling horizontal aluminium anodised louvres to a height of 1.6m

are to be located on the exterior to the voids to bedroom No. 1 to dwellings 10, 11 and 12 on the third floor level at the rear. The louvres shall be non-reflexive, and the blades on each louvre shall be fixed on a horizontal view so as to prevent overlooking to properties at the rear compliance with this condition shall be included with the compliance certificate.

4. Add condition No. 110 to read:

“That fixed horizontal stacking louvre shutters to a maximum height of 1.6m shall be incorporated on the exterior of the balconies to living rooms of dwellings 10, 11 and 12 on the second floor with the two internal panels (of each dwelling) being fixed and the two external panels (for each dwelling) can be movable/sliding. The shutters/be horizontally fixed and non-reflective. Details of compliance shall be submitted with the construction certificate.”

5. Add Advisory condition to read;

The applicant should consider amending the internal layout so that bathroom access to dwellings No.1, 3, 4 and 6 could be improved by the deletion of the second bathroom to further improve the internal space and amenity of these areas. For dwellings 7, 8 and 9 the kitchen, laundry and second bathroom could be revised in layout to provide improved circulation and internal amenity.

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

6.11 DIRECTOR, CITY PLANNING REPORT 89/2006 - 31 SACKVILLE STREET, MAROUBRA. (DA/451/2005 & PROP045180)

H112 RESOLUTION: (Andrews/Sullivan) that:

- A. *Council support the objection under State Environmental Planning Policy No. 1 in respect to non-compliance with Clause 31(1) of the Randwick Local Environmental Plan 1998 (relating to landscaped area) on the grounds that the proposed development complies with the objectives of the Clause and will not adversely affect the amenity of the surrounding locality, and that Department of Planning be advised accordingly.*
- 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. 451/2005 for alterations and new two storey additions to the rear of the existing attached dual occupancy including new rear balconies, new rear garage and car space at 31 Sackville Street, Maroubra, subject to the following conditions:-*

Deferred Commencement Conditions:

The consent is not to operate until the following materials/amendments have been submitted to and approved by Council’s Director of City Planning:

1. *The proposed extended tiled roof over the rear additions is to be reduced to be in line with the rear external wall of the proposed upper level living room and the eaves overhang are to match existing.*
2. *The roof over the rear first floor balcony is to be a low pitched flat metal deck roof.*

3. *The depth of the rear first floor balcony shall be reduced by moving the balustrade to be 1.75m from the rear external wall of the proposed rear upper level living room.*
4. *A 1.2m high opaque balustrade is to be provided to the southern and western sides of the rear first floor balcony.*
5. *A privacy screen having a height of 1.8m, measured from the finished verandah level, is to be provided to the eastern side of rear ground floor verandah extending from the rear external wall to the southern edge of the stair landing. The design and materials are to be mutually agreed between the applicant and the owner of No. 33 Sackville Street.*

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

Development Consent Conditions

- C. *Subject to compliance with the deferred commencement 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 amended plans numbered 05/0026-1 and 05/0026-02, dated 17.01.06, and additional plans numbered 06/0026-4, dated 25.04.06, and 05/0026-3, dated 17.01.06 and received by Council on 2 June 2006, 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 the following conditions as may be shown in red on the attached plans:*

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

2. *The colours, materials and finishes of the external surfaces to the proposed rear two storey additions and garage are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building.*

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

3. *The dining rooms at the ground and first floor levels are not to be converted to bedrooms without the prior written consent of the Council.*
4. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*

5. *There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*

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 manufacturer's 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 person's intention to commence building works.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

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

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

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

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

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

21. *Smoke alarms are required to be installed in each Class 1 building or 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. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*

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

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

32. *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*

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.

33. *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.*

34. *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.*

35. *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.*

36. *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.

37. *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.*

Civil Works Conditions

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

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

Service Authority Conditions

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

40. *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:

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

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

Tree Management

43. *Approval is granted for the removal of the following tree with replacement plantings not deemed necessary given its insignificance.*
- a) *One Syagrus romanzoffianum (Cocos Palm) in the rear yard, to the south of the existing garage.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

7. MISCELLANEOUS.

- 7.1 DIRECTOR, CITY PLANNING REPORT 90/2006 - COOGEE SOCIAL IMPACT ASSESSMENT - LICENSED PREMISES. (F2004/07767)**

H113 **RESOLUTION:** (*Andrews/Sullivan*) that Council:

- a) *endorse a twelve month delay to the SIA project and a report be brought back to Council for commencement in November, 2007; and*
- b) *advise CRED Community Planning and the Resident Committee accordingly.*

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

7.2 DIRECTOR, CITY PLANNING REPORT 91/2006 - PROPOSED COMMUNITY/AFFORDABLE HOUSING PROJECT ON COUNCIL-OWNED SITE, 64-66 MINNEAPOLIS CRESCENT, MAROUBRA. (F2004/07993)

H114 **RESOLUTION:** (*Belleli/Matson*) that Council:

- (a) *continue to investigate the feasibility of the project, negotiate with the parties and conduct community consultation in the local area on the need for a community centre in this locality;*
- (b) *consult with the State Government and the local precinct committee to generate a concept plan for Lexington Place in order to address the social problems in this area; and*
- (c) *reconsider having a Windgap managed facility on site and make a submission to the Federal Government for capital funding and recurrent funding for such a facility.*

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

8. CONFIDENTIAL ITEMS (CLOSED SESSION).

Nil.

9. NOTICES OF RESCISSION MOTIONS.

A notice of rescission motion on Item 6.7, 96-98 St Pauls Street, Randwick was submitted to the General Manager by Crs Andrews, Nash and Procopiadis and will be considered at the next Ordinary Council Meeting on 24th October, 2006.

The meeting closed at 9.27 p.m.

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CHAIRPERSON