

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 5TH DECEMBER 2006 AT 6:33 PM.**

PRESENT:

The Mayor, Cr P. Tracey (North Ward)

North Ward	-	Cr J. Kenny
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Cr M. Matson (Deputy Chairperson) & D. Sullivan (from 7.50 pm)
West Ward	-	Crs B. Hughes, S. Nash (Chairperson) & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoplos.
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 Daley, Notley-Smith & Woodsmith.

RESOLVED: (Belleli/Kenny) that the apologies from Crs Daley, Notley-Smith & Woodsmith for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 5th December, 2006 be received & accepted.

2. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 21ST NOVEMBER, 2006.

H124 **RESOLUTION: (Belleli/White)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 21st November, 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) Cr Matson declared a non-pecuniary interest in Item 6.4 as he owns a property in close proximity to this development.
- (b) Cr Nash declared a non-pecuniary interest in Item 6.6 as his grandfather owns a property in close proximity to this development.

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 DIRECTOR, CITY PLANNING REPORT 105/2006 - 102 - 106 BOYCE ROAD, MAROUBRA.

The Objector	Mrs Erica Ballis	108 Boyce Road, Maroubra
The Applicant	Mr Simon Bennett	110-114 Kippax Street, Surry Hills

Item 6.2 DEVELOPMENT APPLICATION REPORT - 47 - 53 DUDLEY STREET, COOGEE.

The Objector	Mr Michael Richards	88 Dudley Street, Coogee
The Applicant	Mr Alex Smith (Architect on behalf of the applicant)	185 Old South Head Road, Bondi Junction

Item 6.3 DEVELOPMENT APPLICATION REPORT - 23 HANNAN STREET, MAROUBRA.

The Objector	Mr Sylvio Necco	200 Botany Street, Kingsford
The Applicant	Mr Erroll Ozdirik (on behalf of the applicant)	178A Marine Parade, Maroubra

Item 6.5 DEVELOPMENT APPLICATION REPORT - 46 DOLPHIN STREET, COOGEE.

The Applicant	Mr. Tony Raeside	46 Dolphin Street, Coogee
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Item 6.6 DEVELOPMENT APPLICATION REPORT - 1605 ANZAC PARADE, LA PEROUSE.

The Objector	Mrs Barbara Keeley-Simms	26 Picton Street, Mascot
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Item 6.7 DEVELOPMENT APPLICATION REPORT - 25 COOGEE STREET, RANDWICK.

The Applicant	Mr Ben Newhouse	25 Coogee Street, Randwick
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The meeting was adjourned at 7.16 p.m. and was resumed at 7.37 p.m.

5. URGENT BUSINESS.

Nil.

6. DEVELOPMENT APPLICATIONS.

6.1 DIRECTOR, CITY PLANNING REPORT 105/2006 - 102 - 106 BOYCE ROAD, MAROUBRA. (DA/302/2006 & PROP039990, 888 & PROP051780)

H125 **RESOLUTION:** (*Andrews/Seng*) that:

Council proceed to defend the appeal in respect to 102 -106 Boyce Road Maroubra, proceedings No. 10600 of 2006, before the Land and Environment Court for the following reasons:

- 1. The proposed number of storeys and increased height in excess of the maximum requirements of the statutory standard set by Clause 42D of the LEP are unacceptable and the SEPP 1 objection is well founded.*
- 2. The design, aesthetic appearance, bulk, scale and form of the proposal are not consistent with the objectives for the Maroubra Junction Town Centre and objectives of the 3A Business Zone under the Randwick Local Environmental Plan 1998.*
- 3. The proposed development is unacceptable in relation to the following objectives, performance criteria, development controls and design controls contained within the Maroubra Junction Town Centre Development Control Plan (MJTC-DCP).*
 - Building Depth (Clause 3.1.5 & 3.2.4 Block 4)*
 - Building Separation (Clause 3.1.6)*
 - Setbacks (Clause 3.1.8, 3.1.9 & 3.2.4 Block 4)*
 - Visual & acoustic privacy (4.3.2)*
 - Apartment layout (4.4.1)*
- 4. The proposal is not of a good design having regard to the design quality principles of contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.*
- 5. The proposed numbers of vehicle spaces are inadequate to meet the proposed uses and the demand generated by the proposal.*

MOTION: (*Andrews/Seng*) **CARRIED – SEE RESOLUTION.**

6.2 DEVELOPMENT APPLICATION REPORT - 47 - 53 DUDLEY STREET, COOGEE. (DA/221/2006 & PROP020761, PROP020769, PROP020773 & PROP020817)

(Note: A Rescission Motion on this matter was submitted to the General Manager after the conclusion of the Meeting.)

- (A) *Council's original determination of Development Application No.DA/221/2006 dated 25 July 2006 for additional external and internal alterations to the already approved development consisting of a new 4th storey for units 10 and 11 containing living, dining and kitchen area, with their floor below modified to include an additional 3rd bedroom. The resultant development will consist of 3x1 bedroom units, 7x2 bedroom units and 3x3 bedroom units. at 47-53 Dudley Street, COOGEE NSW 2034, be rescinded; and*
- (B) *Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/221/2006 for the proposed fourth storey addition to multi-unit development including amendment of design by altering materials, having only Unit 11 as two storey with set backs from building perimeter subject to the following conditions:*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered LEY-01 TO LEY-07, revision J dated 17 October 2006 and received by Council on 17 December 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:*

ENVIRONMENTAL AMENITY:

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

2. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council.*
4. *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.*
5. *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.*
6. *Details of the proposed colour of the roof are to be submitted to and approved by the Director of City Planning, in accordance with the section 80A (2) of the*

Environmental Planning and Assessment Act 1979, prior to the roofing being installed.

7. *Handrails, screens and sun-shading must be compatible with the addition.*
8. *Details of the proposed handrails, screens and sun-shading must 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.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

9. *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.*
10. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*
11. *The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.*
12. *The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.*
13. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*
14. *Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.*

SECTION 94 Contributions:

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

15. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space* \$939.12
 - b) *for the provision or improvement of community facilities* \$415.28

- c) *Administration fee* \$425.00

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

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

16. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority and the relevant requirements:*
- a) *Occupational Health and Safety Act 2000*
 - b) *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
 - c) *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and*
 - d) *The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines*

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

17. *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.*
18. *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.*
19. *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.*
20. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
- a) *appoint a Principal Certifying Authority for the building work, and*
 - b) *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*

- c) *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*
 - d) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*
21. *In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*
22. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*
23. *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).*
24. *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.*
25. *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.*
26. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- a) *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - b) *name, address and telephone number of the Principal Certifying Authority,*
 - c) *a statement stating that "unauthorised entry to the work site is prohibited".*
27. *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.*

28. *An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*
29. *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 conditions of consent.*
30. *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.*
31. *Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):*
 - a) *has been informed in writing of the licensee's name and contractor number; and*
 - b) *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*
32. *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:*
 - a) *has been informed of the person's name and owner-builder permit number, or*
 - b) *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.*
33. *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.*
34. *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.*
35. *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.*
36. *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.

37. *Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.*
38. *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) *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.*
39. *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.*
40. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
 - a) *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.*
 - b) *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.*
41. *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.*
42. *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.*
43. *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:*
 - a) *location and construction of protective fencing / hoardings to the perimeter of the site;*

- b) *location of site storage areas/sheds/equipment;*
- c) *location of building materials for construction;*
- d) *provisions for public safety;*
- e) *dust control measures;*
- f) *site access location and construction*
- g) *details of methods of disposal of demolition materials;*
- h) *protective measures for tree preservation;*
- i) *provisions for temporary sanitary facilities;*
- j) *location and size of waste containers/bulk bins;*
- k) *details of proposed sediment and erosion control measures;*
- l) *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.

- 44. *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.*
- 45. *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.*
- 46. *Dust control measures and practices may include:-*
 - a) *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
 - b) *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
 - c) *Installation of a water sprinkling system or provision hoses or the like.*
 - d) *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
 - e) *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
 - f) *Revegetation of disturbed areas.*

47. *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*
48. *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.*
49. *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.*
50. *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.*
51. *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.*
52. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*
53. *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.*
54. *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.*
55. *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.*
56. *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.*
57. *Hoardings and 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.*
58. *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.*

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

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

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

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

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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

61. *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.*
62. *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.*
63. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
64. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

STRUCTURAL ADEQUACY:

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

65. *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.*

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:

66. *Except with the written approval of Council’s Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*
67. *All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*
68. *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.*

STORMWATER DRAINAGE CONDITIONS

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

69. *Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.*
70. *The stormwater drainage system must be designed by a suitably qualified and experienced Hydraulic Consultant/Engineer, to the satisfaction of the Certifying Authority.*

71. *Stormwater from the addition must be directed to the previously approved stormwater infrastructure.*
72. *Upon completion of the works and prior to the issuing of an Occupation Certificate, a works-as-executed drainage plan and certification must be forwarded to the Principal Certifying Authority and the Council, from a suitably qualified and experienced Hydraulic Consultant/Engineer, which confirms that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Certifying Authority.*
73. *The works-as-executed drainage plan must be prepared by a suitably qualified and experienced Hydraulic Engineer in conjunction with and Registered Surveyor.*

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

A division was called for by Crs Matson and Hughes. Voting was as follows:-

For	Against
Andrews	Belleli
Bastic	Hughes
Kenny	Matson
Nash	Procopiadis
Seng	Mayor, Cr. P. Tracey
White	

6.3 DEVELOPMENT APPLICATION REPORT - 23 HANNAN STREET, MAROUBRA. (DA/1032/2002/C & PROP040511)

H127 **RESOLUTION: (Bastic/Seng)**

- A. *THAT Council, as the consent authority, grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. 1032/2002/C of 23 Hannan Street, Maroubra in the following manner:-*
 1. *Amend Condition No. 2 to read:*
 2. *The maximum height of the rear fence on the eastern boundary of the subject property is not to exceed **2.4m** measured vertically from any point above existing ground level, to maintain reasonable levels of amenity to the adjoining premises at 90 Storey Street Maroubra. The rear fence shall also be rendered on both sides. Details of compliance are to be provided in the construction certificate plans.*
 2. *Amend Condition No. 17 to read:*
 17. *The increased height of the northern and southern side boundary fencing shall be in accordance with the plans numbered 044/06 Sheets 1 – 3 dated 16/10/06 and received by Council on 19 October 2006, to maintain reasonable levels of amenity to the adjoining properties. Details required by this condition are to be shown on the Construction Certificate application.*

MOTION: (Andrews/Nil) that the recommendation contained in the Development Application Report be adopted. **LAPSED FOR WANT OF A SECONDER.**

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

Councillor Andrews requested that his name be recorded as opposed to the resolution.

6.4 DEVELOPMENT APPLICATION REPORT - 255-259 FITZGERALD AVENUE, MAROUBRA. (720/2006)

H128 **RESOLUTION: (Kenny/Andrews) that:**

- A. *Council support the objection under State Environmental Planning Policy No. 1 (SEPP 1) in respect to non-compliance with Clause 33 of the Randwick Local Environmental Plan 1998 (as amended) relating to building heights on the grounds that the proposed use complies with the objective of the Clauses, 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 under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 720/2006 for upgrading of Department of Housing site including installing lift shafts, entries, landscaping, new internal laundries and various ancillary works. at 255-259 Fitzgerald Avenue, Maroubra NSW 2035 subject to the following conditions:-*

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

1. *The development must be implemented substantially in accordance with the plans numbered L 01 issue A, project number 1843a dated 08/06/06 and stamped received by Council 30th October 2006, plans numbered sheet 01 of 10 to sheet 10 of 10 inclusive, dated May 06 and received by Council on the 5th September 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions:*
2. *The colours, materials and finishes of the external surfaces are to be compatible to maintain the integrity and amenity of the structures and the streetscape.*
3. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*

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

4. *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.*

5. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).*
6. *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;*
 - *name, address and telephone number of the Project Manager,*
 - *a statement stating that “unauthorised entry to the work site is prohibited”.*
7. *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 commencement of work, 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:

8. *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 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.

9. *A copy of the approved construction drawings, 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.*
10. *Except with the written approval of Council’s Manager of Health, Building & Regulatory Services, all building, demolition and associated site works*

(including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

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

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

- 11. 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.*
- 12. 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.*
- 13. 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.

- 14. 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.

Applications to place a waste container in a public place can be made to Council's Building Services section.

- 15. A Construction Site Management Plan is to be prepared by a suitably qualified person (and a copy is to be forwarded to Council) 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.

16. *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.*
17. *Details of the proposed sediment control measures are to be detailed in a site water management plan and must be prepared prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

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

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

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

18. *A temporary timber, asphalt or concrete crossing is to be provided to the site*

entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written approval 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.

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

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

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

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

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

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

21. *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 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.

22. *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.*
23. *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.*
24. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*

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

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

25. *Access and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1 and 2890.1 and relevant Council development control plans for the subject development. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications.*

Traffic conditions/Civil Works Conditions

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

30. *Prior to the completion of the works the applicant must meet the full cost for Council or a Council approved contractor to:*
- a *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.*
31. *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.*
32. *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:

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

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

34. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans.*
35. *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 commencement of works on site.

Service Authority Conditions

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

36. *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.*
37. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Waste Management Conditions

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

38. *The waste storage areas are to be covered, provided with a tap and hose and the floors to be graded and drained to the sewer to the requirements of Sydney Water.*
39. *The waste storage areas shall be clearly signposted.*

Landscape Conditions

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

40. *Landscaping at the site shall be installed substantially in accordance with the Landscape Sketch Plan, prepared by Ray Fuggle & Associates Pty Ltd, Landscape Architects, drawing number L 01, issue A, project number 1843a, dated 08/06/06 and stamped received at Council on 30th October 2006.*
41. *That part of the naturestrip upon either of Council's footways which are 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.*

Tree Management

42. *Approval is granted for the removal of the following trees in order to accommodate the proposed works as shown, subject to the implementation of landscaping at the site in accordance with the Landscape Sketch Plan, prepared by Ray Fuggle & Associates Pty Ltd, Landscape Architects Pty Ltd, drawing number L 01, issue A, project number 1843a, dated 8/06/06 and stamped received at Council on 30th October 2006, and will include a sufficient amount of replacement tree species which will attain similar*

dimensions to those existing trees which are to be removed:

BLOCK A

- a. *Two Allocasurina glauca (She-Oaks) at the northwest corner of the site given their close proximity to the existing building as well as to accommodate the proposed works as shown.*

BLOCK B

- b. *One Eucalyptus robusta (Swamp Mahogany) in front of the western half of the existing building due to poor health and condition, together with the various shrubs along the northern boundary in this area of the site as they are all too small to be covered by Council's Tree Preservation Order (TPO).*
- c. *Another Eucalyptus robusta (Swamp Mahogany) in front of the eastern half of this building, as well as the small Eucalyptus saligna (Sydney Blue Gum) immediately to its northwest.*
- d. *Two Allocasurina glauca (She-Oaks) immediately on the northern and southern sides of the existing garbage storage area, beyond the northeast corner of the existing building, against the northern boundary.*

BLOCK C

- e. *Two of the smaller Allocasurina glauca (She-Oaks) in the group of three trees about halfway along the eastern boundary to accommodate the proposed works as shown.*

BLOCK D

- f. *The three Allocasurina glauca (She-Oaks) beyond the eastern edge of the existing building, fronting onto Malabar Road, surrounding the existing garbage storage area to accommodate the proposed as shown.*
- g. *The four Callistemon viminalis (Weeping Bottlebrush) and one Allocasurina glauca (She-Oak) beyond the southeast corner of the existing building, close to the southern boundary to accommodate the proposed works as shown.*
- h. *Four of the six Allocasurina glauca (She-Oaks) located about halfway along the southern edge of this existing building, comprising the two most western trees and two most eastern trees, with the two centrally located, larger specimens to be retained.*
- i. *The one Eucalyptus species (Gum Tree) and one Allocasurina glauca (She-Oak) behind the existing garbage storage area along the southern boundary, near the southwest corner of this existing building, as well as the various shrubs in this immediate vicinity.*

NOTE: THE APPLICANT MAY WISH TO CONTACT COUNCIL'S LANDSCAPE DEVELOPMENT OFFICER ON 9399-0613 SHOULD CORRECT IDENTIFICATION OF THOSE TREES TO BE PROTECTED & RETAINED, AND THOSE WHICH HAVE BEEN GIVEN PERMISSION FOR REMOVAL BE REQUIRED.

43. *In order to avoid damage to those trees which are to be retained at the site, as well as to accommodate site/machinery access during the course of the proposed works, permission is granted for the selective and minimal pruning of only those branches which need to be removed to accommodate the proposed works. This amount o pruning shall not significantly alter the form,*

structure or appearance of these trees.

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

Tree Protection Measures

45. *In order to ensure the retention of the total of twelve (12) Hibiscus tiliaceus (Cottonwoods) along Council's the length of Council's Fitzgerald Avenue nature strip, as well as the three Banksia integrifolia (Coastal Banksia's) and one Metrosideros excelsa (NZ Xmas Tree) on Council's Yorktown Parade nature strip in good health, the following measures are to be undertaken:*

- a. *These trees are 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 from the outside edge of the trunks to completely enclose the street trees, and can be provided either singularly or as a group.*

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

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

NOTE: WHILE THE five Callistemon viminalis (Weeping Bottlebrush) along the MALABAR ROAD frontage, comprising two to the north of the existing bus stop/shelter, and three to the south, WILL need to be retained in the streetscape, THE PROVISION OF protective fencing TO ENSURE THEIR RETENTION is not FEASIBLE ON THIS OCCASION GIVEN their close proximity to the kerb, AS WELL AS THE PRESENCE OF THE BUS STOP and FREQUENCY OF buses IN THIS AREA.

46. *In order to minimise the loss of environmental amenity that would result from large scale removals of all significant trees at the site as has been proposed, the following measures shall be implemented to ensure retention of the one larger Allocasurina glauca (She-Oak) in the group of three trees about halfway along the eastern boundary, beyond the eastern edge of Block C, as well as the two larger, centrally located Allocasurina glauca (She-Oaks) in the group of six trees beyond the southern edge of Block D in good health, the following measures are to be undertaken:*

- a. *The trees are 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 from the outside edge of their trunks to completely enclose the trees.*

This fencing shall be installed prior to the commencement of demolition and

construction works and shall remain in place until all works are completed.

- b. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.*
- c. Any excavations required beneath the driplines of any of these trees shall be initially performed by hand, with any roots encountered to be cut cleanly by hand in the presence of a suitably qualified Arborist, and the affected area backfilled as soon as practically possible.*
- d. Any landscaping, pedestrian footpaths, retaining walls and any other associated works shall be redesigned/relocated around these trees, to the satisfaction of a suitably qualified site Arborist.*
- e. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

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

- 48. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
- 49. 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 any asbestos removal/remediation works, which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

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

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

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

- 51. 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.

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:

52. *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.*

ADVISORY MATTERS:

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

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

- a) *Part B1- Structural provisions*
b) *Part E3 - Lift Installations*

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

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with your certifier prior to preparing your construction plans to enable these matters to be addressed accordingly.

- A2 *You are advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and you should therefore consider your liability under the Act. In this regard, you are 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.*

You are 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.

- 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: (Kenny/Andrews) CARRIED – SEE RESOLUTION.

6.5 DEVELOPMENT APPLICATION REPORT - 46 DOLPHIN STREET, COOGEE. (DA 783/06)

H129 **RESOLUTION: (Kenny/Andrews)** that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.783/06 for permission to demolish the existing dwelling and construction of new two storey dwelling with first floor balcony and inground swimming pool to rear at 46 Dolphin Street, RANDWICK subject to the following conditions:

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

1. *The development must be implemented substantially in accordance with the plans numbered 06.155A, dated August 2006 and received by Council on the 6th November 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

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

4. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

5. *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 approved paving or the like on the ground) without the written consent of Council.*

6. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.*

7. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

8. *The width of the driveway at the property boundary is to be reduced to a maximum of 3m to reduce the impact of hard surfaces to the front of the property, the driveway may be splayed to the garage entrance.*

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

9 *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.*

10 *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

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

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

11 *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*

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

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

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

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

13 *Surface water/stormwater must be drained and discharged to the street gutter to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*

Where the land slopes up to the street gutter and it is not practicable to connect to the street gutter, stormwater may be discharged to a suitably designed absorption pit to the satisfaction of the Certifying Authority and subject to the absorption pit minimum, and being designed and located so as to not having a base area of 5m result in the

flow of stormwater to any adjacent land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are

served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

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

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

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

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

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

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

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

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

Retaining walls, shoring or piling must be provided to support land which is excavated in 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.

30 *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.*

31 *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.

32 *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.*

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.

33 *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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.*
- 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.

34 *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.*

35 *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.

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

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

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

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

36 *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.

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

*Details of the proposed sediment control measures are to be detailed in a soil and water 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.

- 38 *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.*

- 39 *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.*

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.

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 (greater than 3m in length) or any container or other article.*

41 *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.*

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

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

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

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

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

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

- *The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor*

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

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

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

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

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

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

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

48 *Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.*

49 *A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the issuing of a construction certificate.***

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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

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

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

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

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

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

51 *Swimming pools are to be designed, installed and operated in accordance with the*

following general requirements:-

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.*
 - *All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.*
- 52 *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

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

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

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

- 53 *Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
- 54 *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's roadway, 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.*
- 55 *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 provision for future civil works in the road reserve:

- 56 *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:*
- ***60mm above the Council footpath level at all points opposite the footpath,***

along the full site frontage.

- 57 *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.*
- 58 *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

- 59 *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.*
- 60 *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.*
- 61 *The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.*

Please refer to the web site www.sydneywater.com.au for:

- *Quick Check agent details – see Building Developing and Plumbing then Quick Check; and*
- *Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and renovating; Or*
- *Telephone 13 20 92.*

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

- 62 *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.*
- 63 *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

- 64 *Approval is granted for the removal of the following trees:*
1 x Tee Tree located at the southeast corner of the site.
1 x Bangalow Palm located towards the rear of the site on the western side boundary.

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: (Kenny/Andrews) CARRIED – SEE RESOLUTION.

6.6 DEVELOPMENT APPLICATION REPORT - 1605 ANZAC PARADE, LA PEROUSE. (DA/575/2006 & PROP015577)

- H130 **RESOLUTION:** *(White/Belleli) that Council as the responsible authority refuse its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA 575/2006 for the proposed use from existing premises at 1605 Anzac Parade, La Perouse to a tavern/restaurant operating under a hotelier's licence at 1605 Anzac Parade for the following reasons:*

1. *The proposed development is inconsistent with the Aims and the Objectives “j” and “k” of the Randwick Local Environmental Plan 1998.*
2. *The proposed development is inconsistent with the Objective (d) for Zone No. 3B (Local Business Zone) as contained within the Randwick LEP.*
3. *The proposed development fails to provide sufficient parking on-site in accordance with the Randwick Development Control Plan – Parking in order to cater for the additional demand arising from the change in use and increased hours.*
4. *The proposed development will be a more intensive use and will adversely affect the character and amenity of adjoining and surrounding properties and the locality in terms of increased traffic, noise, safety and security, and hours of operation.*
5. *The proposed development is not in the public interest.*

MOTION: (Andrews/Bastic) that this matter be deferred to the next ordinary council meeting to allow the applicant’s representative an opportunity to address either council or council officers to raise his concerns. **LOST.**

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

6.7 DEVELOPMENT APPLICATION REPORT - 25 COOGEE STREET, RANDWICK. (DA 856/06)

H131 **RESOLUTION: (Andrews/White)** that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/856/2006 for permission to construct two carspaces at 25 Coogee Street, RANDWICK subject to the following conditions: -

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

1. *The development must be implemented substantially in accordance with the plans numbered 161/06, dated September 2006 and received by Council on the 4th October 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 onto any adjoining premises or onto Council’s road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.*

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

3. *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.

- 4 *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.*
- 5 ***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.*
- 6 ***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.

- 7 *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.

8 *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".*

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:

9 *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.

10 *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.*

11 *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.

12 *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.*

13 *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.*

14 *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.

15 *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.

16 *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.

- 17 *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.*
- 18 *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 provide adequate provisions for access, transport and infrastructure:

- 19 *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 (maximum 5.00m wide) at kerb opposite the vehicular entrance to the site.*
- 20 *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.*
- 21 *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:

- 22 *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.*

- 23 *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.*
- 24 *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

- 25 *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.*
- 26 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

- 27 *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.*
- 28 *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

7. MISCELLANEOUS.

7.1 DIRECTOR, CITY PLANNING REPORT 106/2006 - COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN (LEP) AND DEVELOPMENT CONTROL PLAN (DCP) UPDATE AND CONSULTATION STRATEGY. (F2006/00611)

- H132 **RESOLUTION:** *(Kenny/Andrews) that Council note and endorse the process for preparing the issues based staging of the background work for input into the Comprehensive LEP/DCP.*

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

7.2 DIRECTOR, CITY PLANNING REPORT 107/2006 - COUNCIL'S AFFORDABLE HOUSING UNITS - RECEIPT OF OWNERSHIP. (F2004/07952)

- H133 **RESOLUTION:** *(Andrews/Hughes) that the report be received and noted.*

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

7.3 DIRECTOR, CITY PLANNING REPORT 108/2006 - NOTICE OF INTENTION TO CONSIDER LISTING RANDWICK PRESBYTERIAN CHURCH ON THE STATE HERITAGE REGISTER. (F2006/00204)

- H134 **RESOLUTION:** *(Kenny/Andrews) that:*

- a) *Council endorse the Notice of Intention from the NSW Heritage Office to consider listing the Randwick Presbyterian Church on the State Heritage Register; and*
- b) *Council write to the NSW Heritage Office advising of Council's full support for the*

nomination and listing of the Randwick Presbyterian Church on the State Heritage Register.

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

8. CONFIDENTIAL ITEMS (CLOSED SESSION).

Nil.

9. NOTICES OF RESCISSION MOTIONS.

A notice of rescission motion on Item 6.2, 47 – 53 Dudley Street, Coogee was submitted to the General Manager by Councillors Hughes, Matson and Woodsmith after the conclusion of the meeting and will be considered at the next Ordinary Council Meeting on 12th December, 2006.

The meeting closed at 8.14 p.m.

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CHAIRPERSON