

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 13TH MARCH 2007 AT 6:30 PM.**

PRESENT:

The Mayor, Cr P. Tracey (Central Ward)

Councillor S. Nash (Chairperson) (West Ward)

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs M. Matson (Deputy Chairperson), B. Notley-Smith & D. Sullivan (from 7.35 pm)
West Ward	-	Crs B. Hughes & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 6.39 pm) & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.

1. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

An apology was received from Cr Daley.

RESOLVED: (Notley-Smith/Kenny) that the apology from Cr Daley for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 13th March, 2007 be received & accepted.

2. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 13TH FEBRUARY 2007.

H13 **RESOLUTION: (Belleli/Kenny)** that the minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 13th February 2007 (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) Councillor White declared a non pecuniary interest in item 6.2 as he used to work with the applicant.

4. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

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

Item 6.1 Development Application Report - 47-53 Dudley Street, Coogee

The Objector Mr Michael Richards 88 Dudley Street, Coogee
The Applicant Mr Alex Smith 185 Old South Head Rd, Bondi Junction

Item 6.2 Development Application Report - 26 Grose Street Little Bay

The Objector Ms Roxanne Vlack 28 Grose Street, Little Bay
The Applicant Mr John Notaras 26 Grose Street, Little Bay

Item 6.3 Development Application Report - 2-14 Maroubra Road, Maroubra

The Applicant Mr Frank Back 73 Belmore Road, Randwick

Item 6.4 Development Application Report - 17 Church Street Randwick

The Objector Mr Patrick De-Permentier 9/19 Church Street, Randwick
The Applicant Mr Anthony Gilesnan 17 Church Street, Randwick

The meeting was adjourned at 7.07 p.m and was resumed at 7.23 p.m.

5. URGENT BUSINESS.

Nil.

6. DEVELOPMENT APPLICATIONS.

**6.1 DEVELOPMENT APPLICATION REPORT - 47-53 DUDLEY STREET, COOGEE.
(DA/1120/2006 & PROPO20761,69,73 & 817)**

H14 **RESOLUTION: (Andrews/Bastic) that:**

- A. Council support the objections under State Environmental Planning Policy No. 1 (SEPP 1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1998 (as amended) relating to Floor Space Ratio and Building Height on the grounds that the proposed development satisfies the objectives of the clause, and will not adversely affect the amenity of the surrounding locality, and that Department of Planning be advised accordingly.
- B. Council as the responsible authority grant deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1120/2006 for Construction of a roof-top terrace for unit 12, including internal staircase, balustrades and stairwell structure. at 47-53 Dudley Street, Coogee, subject to the following conditions:-

DEFERRED COMMENCEMENT CONDITIONS

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

- 1. The terrace must be reduced in length to eliminate direct sightlines to the northern façade of the approved building. The northern edge of the terrace must be moved at least 2.5 metres south. Design details must be submitted to Council for approval.*

2. *Lighting (if provided) must be installed below the level of the balustrade and must not spill light or direct glare outside the site. Design details, demonstrating the extent of light-spill and glare must be submitted to Council for approval.*
3. *The terrace must be installed with frameless clear glass. Glass specifications must be low glare. Design details and specifications must be submitted to Council for approval.*
4. *The stair enclosure must be coloured and constructed of materials that are compatible with the approved development. A sample board of colours and building materials must be submitted to Council for approval.*

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

REFERENCED PLANS

5. *The development must be implemented substantially in accordance with the plans numbered LEY-01 to LEY 04, dated 21/12/06 and received by Council on 21/12/06, the application form, the plans approved under deferred commencement conditions and on any supporting information received with the application, except as may be amended by the following conditions:*

ENVIRONMENTAL AMENITY

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

6. *The installation of fixed or partially fixed shade and/or wind protection devices is prohibited.*

NOISE EMISSION CONDITIONS

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

7. *The proposed use of the premises must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS:

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

8. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*
9. *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.*
10. *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.*

11. *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.*
12. *A copy of the construction certificate, the approved plans 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*
13. *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.*
14. *In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*
15. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*
16. *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).*
17. *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.*
18. *The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.*
19. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- i. *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),*
 - ii. *name, address and telephone number of the Principal Certifying Authority,*
 - iii. *a statement stating that "unauthorised entry to the work site is prohibited".*
- 20. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
- 21. *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.*
- 23. *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.*
- 24. *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.*
- 25. *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):*
 - i. *has been informed in writing of the licensee's name and contractor number; and*
 - ii. *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*
- 26. *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:*
 - i. *has been informed of the person's name and owner-builder permit number, or*
 - ii. *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.*
- 27. *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.*

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:

28. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*
29. *All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*
30. *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:*
 - i. *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.*
31. *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.*
32. *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.*
33. *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.*
34. *A Construction Site Management Plan is to be developed and implemented 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:*
 - i. *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - ii. *location of site storage areas/sheds/equipment;*
 - iii. *location of building materials for construction;*
 - iv. *provisions for public safety;*
 - v. *dust control measures;*
 - vi. *site access location and construction*
 - vii. *details of methods of disposal of demolition materials;*
 - viii. *protective measures for tree preservation;*
 - ix. *provisions for temporary sanitary facilities;*
 - x. *location and size of waste containers/bulk bins;*
 - xi. *details of proposed sediment and erosion control measures;*

- xii. construction noise and vibration management;
- xiii. construction traffic management details.

35. The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.
36. 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.

ADVISORY MATTERS

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

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

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

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

6.2 DEVELOPMENT APPLICATION REPORT - 26 GROSE STREET LITTLE BAY. (DA/730/2006 & PROP039458)

- H15 **RESOLUTION: (White/Procopiadis)** that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/730/2006 for permission to carryout alterations and additions to the existing dwelling including ground and first floor extension to front of dwelling, enclosure of patio area to rear and construction of a deck area no the western side of the dwelling at 26 Grose Street, LITTLE BAY 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 1001, 1002, 1003, 1004, 1005, 3001, 3002 & 3003, dated 20/11/2006 and received by Council on the 30 January 2007, 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 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 imposed to promote ecologically sustainable development and energy efficiency.

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

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

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:

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

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

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

6. *All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.*

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

name, address and telephone number of the Principal Certifying Authority;
and

a statement stating that "unauthorised entry to the work site is prohibited".

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

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

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

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

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

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

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

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

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

*Details of the principal building 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.*

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

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

- 17 *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:***

- 18 *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.

19 *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.*

20 *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.

21 *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.

22 *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.*

23 *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.

- 24 *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.

- 25 *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.

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

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

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

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

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

- 27 *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.*
- 28 *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, 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:

- 29 *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Reconstruct/extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.*
- 30 *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.*
- 31 *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:

- 32 *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.*
- 33 *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.*
- 34 *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid to Council prior to a construction certificate being issued for*

the development.

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

- 35 *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.*
- 36 *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:

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

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: (White/Procopiadis) CARRIED – SEE RESOLUTION.

6.3 DEVELOPMENT APPLICATION REPORT - 2-14 MAROUBRA ROAD, MAROUBRA. (DA/205/2005/A & PROP011695)

H16 **RESOLUTION: (Andrews/Bastic) that:**

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.205/2005 on property 2-14 Maroubra Road, Maroubra in the following manner:*

Amend Condition 2 to read as follows:

2. *Prominent signage is to be erected at the exit points of the rear car park adjoining the site and the car park off Glanfield Street reminding patrons to be mindful of noise disturbance and considerate of nearby residential dwellings. A site plan showing the location of the signs and elevation diagrams indicating final design and wording of the signs is 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.*

Delete Condition 6.

Amend Condition 7 to read as follows:

7. *When entertainment is provided at the premises not less than two security guards must be provided, identified as such by uniform, to take all reasonable steps to prevent noisy and unruly behaviour of patrons leaving the premises. These security guards should be based to the rear of the site and patrol the car park as well as the front of the hotel to ensure patrons leave the premises in a timely and orderly manner between:*

Friday to Saturday: The hour of 11.00pm till half an hour after the entertainment has ceased or all patrons have left.

Sunday to Thursday: The hour of 9.00 pm till half an hour after the entertainment has ceased or all patrons have left.

Delete Condition 32.

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

6.4 DEVELOPMENT APPLICATION REPORT - 17 CHURCH STREET RANDWICK. (DA/1007/2006 & PROP003171)

H17 **RESOLUTION: (Notley-Smith/Matson) that this matter be deferred to the next ordinary Council meeting to allow the objectors to meet with Council officers to review shadow diagrams with respect to this application.**

MOTION: (Mayor, Cr. P. Tracey/Woodsmith) that this application be refused as it does not comply with the required Floor Space Ratio. LOST.

AMENDMENT: (Notley-Smith/Matson). CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

7. CONFIDENTIAL ITEMS (CLOSED SESSION).

Nil.

8. NOTICES OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.05 p.m.

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CHAIRPERSON