

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 11TH SEPTEMBER, 2007 AT 6:35 P.M.**

PRESENT:

The Mayor, Cr P. Tracey (North 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 6.56 pm)
West Ward	-	Crs B. Hughes, S. Nash (Chairperson) & J. Procopiadis
Central Ward	-	Cr C. Bastic (from 7.41 pm)

OFFICERS PRESENT:

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

1. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Daley and Seng.

RESOLVED: (Notley-Smith/Procopiadis) that the apologies from Crs Daley and Seng for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 11th September, 2007 be received & accepted.

Leave of absence had previously been granted to Cr Andrews. See Minute No: 213/07.

2. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 14TH AUGUST, 2007.

H68 **RESOLUTION: (Woodsmith/Kenny)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 14th August, 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.

Nil.

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 – 86 HOUSTON ROAD, KINGSFORD.
Applicant Mr Anthony Betros (on behalf of applicant)
- Item 6.2 DEVELOPMENT APPLICATION REPORT – 42 CLIFFBROOK PARADE, CLOVELLY.
Objector Mr Gordon Edgar
Applicant Mr Anthony Betros (on behalf of applicant)
- Item 6.3 DEVELOPMENT APPLICATION REPORT – 14-16 DAINTRY CRESCENT, RANDWICK.
Objector Ms Lyn Pierse
Applicant Mr Richard Smyth
- Item 6.4 DEVELOPMENT APPLICATION REPORT – 3A GORDON AVENUE, COOGEE.
Objectors Mr Andrew Smith and Mr Danny Simmons
Applicant Mr Chum Darvall
- Item 6.5 DEVELOPMENT APPLICATION REPORT – 143 - 147 COOGEE BAY ROAD, COOGEE.
Applicant Ms Genevieve Slattery
- Item 6.6 DEVELOPMENT APPLICATION REPORT – 26 MAWSON PARADE, CHIFLEY.
Objector Mr Anthony Niland
Applicant Mr Vincent Wall
- Item 6.7 DEVELOPMENT APPLICATION REPORT – 44 HOOPER STREET RANDWICK.
Objector Mr Les O'Donnell
Applicant Mr Anthony Moss
- Item 6.8 DEVELOPMENT APPLICATION REPORT – 45 EARL STREET, RANDWICK.
Objector Mr Ross Knight
Applicant Mr Emma Alberici
- Item 6.9 DEVELOPMENT APPLICATION REPORT – 8 SHAW AVENUE, KINGSFORD.
Objector Mr Henry Tan
Applicant Mr Brian O'Dowd (on behalf of applicant)

Item 6.10 DIRECTOR, CITY PLANNING REPORT 65/2007 – 7 TOWER STREET, COOGEE.

Objector Mr Jason Young

Applicant Mr Paul Rinder

The meeting was adjourned at 8.22 p.m. and was resumed at 8.45 p.m.

5. URGENT BUSINESS.

Nil.

6. DEVELOPMENT APPLICATIONS.

6.1 DEVELOPMENT APPLICATION REPORT - 86 HOUSTON ROAD, KINGSFORD. (DA/899/2006 & PROP047632)

H69 **RESOLUTION: (Belleli/Woodsmith) that:**

A. Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/899/2006 for Demolition of existing buildings at the site and construction of a residential flat building comprising of 6 x 2 bedroom dwellings, landscaping and basement car parking at 86 Houston Road, Kingsford for the following reasons: -

1. The proposal is not in the public interest pursuant to Section 79C(iii)(e) of the Environmental Planning & Assessment Act 1979.
2. The provision of an 11.5m high wall for a length of the 26.5m along a common boundary generates an unsatisfactory streetscape outcome. That is, the wall fails to mediate between the varying scale of the proposed development and the limited scale on the adjoining car park site (ie: landscaping on the subject site or graduation in building heights would remove the abrupt change in scale).
3. Locating the southern elevation on the boundary is unlike other development in the immediate locality which include reasonable side setbacks and hence, the proposal would interrupt the streetscape rhythm.
4. The southern elevation, due to its length and height, represents an unsatisfactory vista from the public domain.
5. The proposal would unreasonably limit the residential development potential of the adjoining car park site. That is, the shadow cast by the development and the southern elevation would affect the amenity of any residential dwellings on the car park site and provide an unsatisfactory visual outlook. Alternatively, any development on the car park site may not be able to utilise fully its entitled floor area in order to compensate for such matters.
6. The proposal is reliant upon landscaping on an adjoining property to soften its visual impact, such an approach would represent an undesirable precedent.
7. The proposal is inconsistent with the principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development in terms of safety and security, amenity, landscape, built form, scale and context.
8. The proposal is inconsistent with objective C of the 2C Residential zone pursuant to

the Randwick Local Environmental Plan 1998 in that it will adversely affect the amenity of surrounding development due to its excessive bulk and scale.

9. *The proposal is inconsistent with the purposes of clauses 31(2) Landscaped Area; 31(3) Landscaped area over podiums; 32(1) Floor Space Ratio and 33(3) External wall height of the Randwick Local Environmental Plan 1998.*
10. *The proposal is inconsistent with the objectives, performance requirements and preferred solutions of Development Control Plan – Multi unit housing in relation to density, height, landscaping, setbacks and solar access.*
11. *The subject site is not suitable for the scale of the proposed development.*

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

6.2 DEVELOPMENT APPLICATION REPORT - 42 CLIFFBROOK PARADE, CLOVELLY. (DA/347/2007 & PROP003635)

H70 **RESOLUTION: (Belleli/Woodsmith) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.347/2007 for Alterations and additions to existing residential flat building including part storey on southern side of building, new windows on east and west sides, new deck on south side and replacement of existing decks, new balustrade to roof terrace, reconfiguration of units 7 & 8 and alterations to units 3 & 4. at 42 Cliffbrook Parade, Clovelly 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 plan numbered DA/01, dated 23 November 2006, received by Council on 10 May 2007, the plans numbered DA/02, DA/03, DA/04, DA/05, DA/06, DA/07 and DA/08, DA/09, and DA/10, drawn by Form Architecture, dated 23 November 2006 and received by Council on 23 August 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. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
4. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
5. *No cooking facilities or sanitary fittings other than those indicated on the approved*

plans are to be installed in the premises without the prior written consent of the Council.

6. *The level 5 roof level addition shall be reduced in height by 350mm in accordance with the sketch diagram received by Council on 2 August 2007. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
7. *The south rear boundary setback of the southern terraces to levels three (3) and four (4) shall be increased by 1m and result in the terraces to these levels not projecting more than 2m from the southern face of the existing building. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
8. *Privacy screens and planter boxes shall extend the full length of the eastern elevation of each terrace to the rear of the building. Details of the privacy screens 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 prior to a construction certificate being issued for the relevant building works*
9. *Detail of the louvres to the eastern and western elevations of the roof level addition to level 5 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 prior to a construction certificate being issued for the relevant building works*
10. *The landscaping plan detail to eastern side of site to be shall be amended along the eastern boundary to include larger native plant species that will provide visual screening and will have the potential reduce harsh southerly winds. The amended landscape plan 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 prior to a construction certificate being issued for the relevant building works*
11. *The doors to the garbage bin storage area to the front of the site shall be sliding doors that do not impinge upon the right of way to the northern boundary of the site. Details of this amendment 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 prior to a construction certificate being issued for the relevant building works.*
12. *The windows to the bathrooms on level 4 to unit 7 and 8 are to be provided with translucent, obscured, frosted or sandblasted glazing. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
13. *The window to bedroom 1 and the northern staircase of level 3 shall be fitted with an external privacy screen to limit views to the adjoining northern property. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.

14. *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 imposed to promote ecologically sustainable development and energy efficiency.

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

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

17. Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of safety and amenity:

Regulatory

18. 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.

19. 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.
20. **Prior to the commencement of any building or fire safety 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.

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

21. **Prior to the commencement of any building or fire safety 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.

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.*

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.

23. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, 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”.
24. 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.

25. **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.

26. 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.

Structural adequacy

27. 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.
28. A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to issuing an occupation certificate**, which certifies the structural adequacy of the building.

Construction site management

29. Demolition work and the removal, storage, handling and disposal of building 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.

30. *In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:*

- *A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.*
- *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. It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *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.*
- *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.*
- *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.*

31. *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.

32. *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.*

33. *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.

34. *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.*

35. *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.*
- c) *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.

- d) 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.*
 - e) 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. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.*
 - f) Public access to demolition/building works, materials and equipment on the site is to be restricted and 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.*
 - g) Temporary fences or hoardings or the like 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.*
 - h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.*
 - i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.*
 - j) 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.*
 - k) 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.*
- 36. 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 upon any part of the 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, container or other article.*

Fire safety

37. *The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, **prior to issuing an occupation certificate** [or strata subdivision certificate]:*

The following fire and safety works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA) :

- (1) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA),*
- (2) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,*
- (3) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,*
- (4) Provide a non-combustible enclosure (ie a metal cabinet) with seals to prevent the passage of smoke to any electricity meters or switchboards located in corridors, exits and within stairways etc,*
- (5) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,*
- (6) The main entry/exit door is to be self closing, have an FRL of -/30/60 and be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,*

*Details of the required fire safety upgrading works are to be included in the plans and specifications for the **construction certificate** and written confirmation of completion of the works is to be provided to Council accordingly.*

*The upgrading works are to be included in **the construction certificate** and be implemented prior to issuing an occupation certificate for the new building or part and written confirmation is to be provided to Council accordingly.*

38. *All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.*
39. *All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.*

*The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.*

40. *Upon completion of the fire safety upgrading works and **prior to the issuing of an occupation certificate**, a single, complete, **fire safety certificate** is to be submitted to Council. A copy of the fire safety certificate and fire safety schedule are to be displayed in a prominent position within the building (i.e. entrance area) and a copy must be provided to the NSW Fire Brigades, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.*

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:

41. *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.

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

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

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

44. *Any air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:*

- *before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or*
- *before 7.00am or after 10.00pm on any other day.*

45. *The installation of rainwater tanks shall comply with the following noise control requirements:-*

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

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

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

- c) *The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard*

within a habitable room in any other residential premises:

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

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:

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

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

48. *The applicant must meet the full cost for Council or a Council approved contractor to install vehicular crossings and to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
49. *A Road Opening Permit must be obtained from Council's City Services Department prior to opening-up or carrying out any proposed works within the road, footpath, nature strip or other public place and all works including repairs are to be carried out to Council's satisfaction.*

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 detail 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.

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

6.3 DEVELOPMENT APPLICATION REPORT - 14-16 DAINTREY CRESCENT, RANDWICK. (DA/197/2003/A & PROP052087)

H71 **RESOLUTION: (Matson/Woodsmith)** that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.197/2003/A on the property at 14 16 Daintrey Crescent, Randwick for the following reasons:

1. *The proposal does not comply with the floor space ratio requirements of Clause 32(2) of the Randwick Local Environmental Plan 1998;*
2. *The proposal is excessive in its bulk and scale and is inconsistent with the objectives of the Zone No 2C as defined in Clause 12 of the Randwick Local Environmental Plan and inconsistent with Part 3.4.4 Performance Requirements for Density of the Randwick City Council Multi-unit housing Development Control Plan;*
3. *The setback to the southern boundary is inconsistent with the objectives, performance requirements and preferred solutions S2 of Part 3.3 "Building Setbacks" of the Randwick City Council Multi-unit housing Development Control Plan; and*
4. *The proposal does not comply with the minimum landscaped area requirements of Clause 31(2) and (3) of the Randwick Local Environmental Plan 1998.*

MOTION: (Bastic/White) that 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.197/2003/A on the property at 14 – 16 Daintrey Crescent, Randwick. **LOST.**

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

A division was called for by Crs Bastic and Sullivan. Voting was as follows: -

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

6.4 DEVELOPMENT APPLICATION REPORT - 3A GORDON AVENUE, COOGEE. (DA/1110/2006 & PROP038532)

H72 **RESOLUTION: (Belleli/Woodsmith)** that:

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/1110/2006 for New 3 storey single dwelling house, new swimming pool and garage at 3A Gordon Avenue, Coogee subject to the following conditions:*

DEVELOPMENT CONSENT CONDITIONS

1. *The development must be implemented substantially in accordance with the plans numbered 0613/1A, 0613/2A, 0613/3, 0613/4, 0613/5, 0613/6A & 0613/7A dated September 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 plan:*
2. *The south facing study room window shall be obscure glazing to minimise potential privacy impacts to the adjoining property at No. 5.*
3. *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.

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:

4. *The operation of all plant and equipment associated with the swimming pool and retention tank shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

In this regard, the operation of the plant and equipment associated with the swimming pool and retention tank shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

5. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

6. *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*
- *Completion of the civil works as conditioned in this development consent by Council.*

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

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

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

7. *Prior to the issuing of a final occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to remove the existing damaged concrete driveway and layback and to construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
8. *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.*
9. *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:

10. *The Council's Development Engineer has inspected the above site and has determined that the design alignment 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.

11. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
12. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$121.00. This amount is to be paid prior to a construction certificate being issued for the development.*
13. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

14. *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.*
15. *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 drainage and associated infrastructure:

16. *Prior to the issuing of a construction certificate the applicant must submit to council for approval, and have approved a detailed design and specification for the following works:*
 - *Reconstruction of the existing Council controlled stormwater drainage pipeline located within the development site, along the southern site boundary and under the proposed garage, (refers to Hydraulic Layout Plan drawing number 5179 – PH01 Revision 2 by Rooney and Bye for general details). Note: provision is to be made to Council's satisfaction for stormwater overland flow to pass through or around the proposed garage. Provision is also to be made for a stormwater overland flowpath within the development site towards the eastern end of the pipeline to Council's satisfaction.*
 - *Surface inlet pit, weir, pipeline details for the drainage system collecting overland flow that drains across the driveway serving 3 and 3A Gordon Avenue, (refer to Hydraulic Layout Plan drawing number 5179 – PH01 Revision 2 by Rooney and Bye for general location details). The applicant shall note the following with respect to this drainage system:*
 - (i) *The surface inlet pit shown as a 1200 x 1200 pit on Hydraulic Layout Plan drawing number 5179 – PH01 Revision 2 by Rooney and Bye must be designed with sufficient inlet capacity to take all flows up to the 1 in 100 year ARI event assuming a 70% blockage factor.*
 - (ii) *The pipeline draining from the above referenced surface inlet pit must be extended across to join the existing Council controlled pipeline located adjacent to the southern site boundary. The capacity of the pipeline must be such that it is capable of draining flows up to the 1 in 100 year ARI storm event assuming a 50% blockage factor.*

The applicant must liaise with Council's Drainage Investigations Engineer (9399 0882) and Council's Development Engineer Coordinator (9399 0924) to obtain Council's requirements for the design of the new drainage system and reconstruction of a portion of the existing Council controlled drainage system.

17. *The applicant shall meet the full cost for the creation of a minimum 3.0 metre wide drainage easement over the existing Council controlled stormwater pipeline located adjacent to the southern site boundary and burdening the development site. The easement shall be created in favour of Randwick City Council and must be created to Council's satisfaction prior to the issuing of a final occupation certificate.*
18. *The applicant must create a minimum 3.0 metre wide drainage easement over the*

internal driveway of the development site in favour of Randwick City Council. The easement is to ensure that the existing overland flowpath down the subject driveway is not blocked or altered without Council's prior approval. The easement must be created to Council's satisfaction prior to the issuing of a final occupation certificate.

19. *The applicant must create a minimum 3.0 metre wide drainage easement over the line of the new reinforced concrete pipeline and surface inlet pit that is to be constructed to collect the overland flow that drains across the driveway serving 3 and 3A Gordon Avenue, (refer to Hydraulic Layout Plan drawing number 5179 – PH01 Revision 2 by Rooney and Bye for general location details as modified by the above conditions). The easement must identify the owner, (current and future), of 3A Gordon Avenue as the person/authority responsible for maintenance of the inlet pit and pipeline and must be to Council's satisfaction. The easement must be created to Council's satisfaction prior to the issuing of a final occupation certificate.*

20. *All proposed footings must be located clear of the proposed 3.0 metre wide drainage easement over the line of the new reinforced concrete pipeline and surface inlet pit that is to be constructed to collect the overland flow that drains across the driveway serving 3 and 3A Gordon Avenue. All proposed footings located adjacent to the drainage easement shall:*
 - A. *be founded on rock, or;*
 - B. *extend below a 30 degrees line taken from the level of the pipe invert at the edge of the drainage reserve (angle of repose).*

(Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.)
 - C. *be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose."*

(Documentary evidence of compliance with this condition is to be submitted to Council, prior to proceeding to the subsequent stages of construction.)

21. *All proposed footings located within or adjacent to the proposed minimum 3.0 metre wide drainage easement over the existing Council controlled stormwater pipeline must:*
 - A. *be founded on rock, or;*
 - B. *extend below a 30 degrees line taken from the level of the pipe invert at the edge of the drainage reserve (angle of repose).*

(Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.)
 - C. *be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose."*

(Documentary evidence of compliance with this condition is to be submitted to Council, prior to proceeding to the subsequent stages of construction.)

22. *Detailed site drainage plans for the proposed drainage system, excluding the above referenced drainage lines which are to be approved by Council, shall be submitted to and approved by the certifying authority prior to the issue of a*

construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.

23. *Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.*
24. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
25. *All site stormwater must be discharged to the existing Council controlled drainage pipeline located within the development site along the southern site boundary. The discharge into Council's pipeline shall occur either directly or via the proposed drainage system that is to collect the overland flow that drains across the driveway serving 3 and 3A Gordon Avenue, (refer to Hydraulic Layout Plan drawing number 5179 – PH01 Revision 2 by Rooney and Bye for general location details).*
26. *Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.*
27. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.

28. *All site stormwater which is discharged from the site must be taken through a sediment/silt arrester pit. The sediment/silt arrester pit shall be constructed with: -*
 - *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
 - *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
 - *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
 - *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
 - *A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar).*
 - *A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).*
 - *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
 - *A sign adjacent to this pit stating that:*

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

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

Landscape/Bushland Conditions

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

29. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plans prepared by Secret Gardens of Sydney, drawing numbers LP 01 & 02, revision B, dated 29-06-07, with the following additional requirements to be provided, to the satisfaction of the Principal Certifying Authority (PCA), **prior to a construction certificate being issued (with a copy of the required information to be forwarded to Council if Council is not the PCA for the site):***
 - a) *Inclusion of planting in the area between the south-western site boundary and south-western wall of that part of the proposal which adjoins the eastern edge of the proposed garage, for the full length and height of this specific area, selecting those species which will afford effective screening of this part of the proposal when viewed from the adjoining property at No. 5 Gordon Avenue. The drying court currently nominated for this area of the site shall be suitably relocated elsewhere.*
 - b) *Confirmation, through the provision of spot levels, expected mature height of planting, elevations/sections etc that any new planting in the northwest corner of the site will not result in a loss of view for the adjoining properties to the northwest. As such, alternative species to the *Banksia integrifolia* (Coastal Banksia's) which are currently shown may be required in this area.*
 - c) *Confirmation that the applicant has entered into a formal agreement with Council's Community Nursery to produce the required quantity of those species which are nominated for use at the site, but which are also identified as occurring naturally in Gordons Bay Reserve (refer species list in previous report/issues paper, and Note 6 on the submitted Landscape Plan);*
 - d) *Confirmation that the applicant has entered into a formal agreement with Council's Bushland Field Officer to assist with the removal and eradication of all invasive, noxious and environmental weeds from throughout the site (refer Note 7 on submitted Landscape Plan).*
30. *Certification from a Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA), is to be provided, to the satisfaction of the PCA, prior to the issue of a final occupation certificate, which confirms that the landscape works have been installed in accordance with the approved documentation and relevant conditions of consent.*
31. *Prior to the physical commencement of any works at the site, the applicant shall contact Council's Landscape Development Officer on 9399-0613 to arrange for an inspection to confirm that straw/hay bales, sandbag filtration barriers or similar approved erosion control measures have been installed along the length of the southern boundary, and that shade cloth has been attached to the existing chainwire fencing for its full height and length along the southern boundary, to Council's satisfaction, in order to ensure that Council's reserve is fully protected from the adverse effects of the proposed works.*

32. *Other than specifically for the installation of protective/silt fencing, reconstruction of the retaining wall and connection of stormwater at the southern boundary, no access through/over Council's reserve is permitted at any time during the course of the works (refer also Note 9 on submitted Landscape Plan).*
33. *The informal timber steps at the southeast corner of the site shall be demolished as part of the site works, with fencing along this boundary to be continuous to completely enclose the site (refer also Note 13 on submitted Landscape Plan).*
34. *Given the impact that inappropriate species selection can have on areas of remnant bushland in Council's Gordons Bay Reserve beyond the southern site boundary, the selection of any alternative species to those already listed on the landscape plans will require the written approval of Council's Landscape Development Officer, prior to installation.*
35. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of **\$10,000** shall be lodged with Council prior to the issue of a construction certificate, to ensure full and correct implementation of the protection measures relating to the public reserve as described in this report.*
 - a) *Any contravention of Council's conditions relating to the reserve/bushland throughout the course of the works may result in Council claiming all or part of the lodged security for the purpose of remedying or completing any works associated with this proposal.*
 - b) *The refundable deposit will be eligible for release following the issue of a final occupation certificate, pending a satisfactory inspection by Council's Landscape Development Officer, who can be contacted on 9399-0613.*
36. *The applicant will be required to forward a completed 'Security Deposit Refund Application Form' to facilitate this site inspection.*
37. *The naturestrip upon Council's Gordon Avenue footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*

Tree Management

38. *The following trees shall be removed in order to accommodate the proposed works as shown, subject to implementation of landscape works in accordance with the landscape plan which is approved by the PCA for the construction certificate:*
 - a) *One Hibiscus tiliaceus (Cottonwood) in the lowest terrace, towards the western boundary, between the existing garage and western edge of the existing tennis court;*

To be replaced with 1 x 100 litre Plumeria acutifolia (Frangipani), as the 200mm pot size currently shown is inadequate.
 - b) *The group of Metrosideros excelsa (NZ Xmas Trees) beyond the southeast corner of the existing dwelling, along the eastern boundary, surrounding the existing grassed play area;*

To be replaced with a suitable quantity of appropriate species to afford screening and privacy, but which will not result in loss of view for the adjoining property to the north.

39. *Prior to the physical commencement of any tree pruning or tree removal work, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613, to arrange a site inspection for the purposes of confirming the correct identification of those trees to be retained and removed, implementation of protection measures, and the extent of pruning permissible, with the applicant required to comply fully with the Council Officers verbal instructions.*
40. *Should the selective pruning of any branches from the trees being retained at the site be desired/required at any stage throughout the course of the works, for whatever reason, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613, to arrange for an inspection for the purpose of confirming the location and extent of pruning which is permissible.*
41. *All pruning must be undertaken in accordance with the verbal instructions issued by Council's Officer, by an Arborist who holds a minimum of AQF Level V in Arboriculture, and is a registered member of a nationally recognised organisation, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

Tree Protection Measures

42. *In order to ensure the retention of the two groves of existing native trees, being three *Banksia integrifolia* (Coastal Banksia's) and one *Melaleuca quinquinervia* (Broad Leafed Paperbark) in the northeast corner of the site, as well as three *Eucalyptus robusta* (Swamp Mahogany's) and two *Banksia aemula* (Wallum Banksia's) in the southeast corner of the site, the following measures are to be undertaken:*
 - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of all nine existing specimens, with the position of their trunks and full diameter of their canopies clearly shown on all drawings.*
 - b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application will be required to confirm that existing soil levels beneath the full extent of the driplines of all of these trees will be maintained, with no structures, services, footings, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations to be performed within these areas.*
 - c. *These two groups of trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing (or an approved alternative material/method given the difficult, sloping nature of the site), and will be located at the full extent of the driplines of both groups, linking up with relevant site boundaries, to completely enclose both groups of trees for the duration of the works.*
 - d. *This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, with signage containing the following words to be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".*
 - e. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*

- f. Any excavations associated with minor landscape works within the zones specified in point c above, such as planting and paving, shall be initially undertaken by hand in order to minimise compaction of the soil profile and disturbance of the rootzone that would ordinarily be caused by machinery.
- g. All site services will need to be suitably designed to ensure they are located outside the zones specified in point c above.
- h. Woodchip mulch to a minimum depth of 75mm shall be maintained within both protection zones for the duration of the works.

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

43. 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.

44. 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.

45. **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.

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.

46. **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.

47. 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.

48. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, 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".*

49. *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 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.

50. ***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.

51. *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.*

52. *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.

53. *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:

54. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:

- The requirements and Guidelines of WorkCover NSW
- Occupational Health and Safety Act 2000
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 1996.

55. 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 any asbestos materials 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.

56. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- a. Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- b. Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- c. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 50 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.
- d. On sites involving the removal of asbestos, a 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.

- e. *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.*
- f. *A Clearance 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 asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.*

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

57. *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.

58. *A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:*

- *new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),*
- *excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,*
- *excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,*
- *as otherwise required by the Principal Certifying Authority.*

The report (including photographs) is to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works.

59. *The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.*

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located 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*
- *effectively support the excavation and building; 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 and particulars of the works to the owner of the adjoining land.*

Notes

This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:

- a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
- b) *an access order under the Access to Neighbouring Land Act 2000, or*
- c) *an easement under section 88K of the Conveyancing Act 1919, or*
- d) *an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.*

Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

60. *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.

61. *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.

62. *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.*
63. *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.*
64. *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 any part of the footpath, nature strip 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.

65. *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;*
- *construction traffic management provisions.*

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.

66. *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 the Construction Site Management Plan which 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.

67. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:*

- a. *Building materials, sand, soil, waste materials, construction equipment or 5 other activities 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.*
- b. *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.*
- c. *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.*
- d. *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.*
- e. *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 Health Building and Regulatory*

Services section.

- f. *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 ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

68. *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.

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

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

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

- a. *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and*
- b. *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; and*
- c. *Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2003: Swimming Pool Safety – Water Recirculation and Filtration Systems; and*

- d. 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; and
- e. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
 - before 8.00am or after 8.00pm on any Sunday or public holiday; or
 - before 7.00am or after 8.00pm on any other day.

Advisory Conditions

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

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

6.5 DEVELOPMENT APPLICATION REPORT - 143 - 147 COOGEE BAY ROAD, COOGEE. (DA/1049/2002/A & PROPO05517)

H73 **RESOLUTION: (Belleli/Woodsmith)** that 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.. 1049/2002 on property at 143-147 Coogee Bay Road, Coogee, in the following manner:

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

1. *The development must be implemented substantially in accordance with the plans numbered DA01-13, dated the 4th June, 2003 prepared by Turner Associates, Landscape Plans sk 01 and 02 prepared by McGregor and partners and Draft Strata Plans with Surveyor' Reference 22154 D.T./Coogee Bay, Sheets 1 – 5, prepared by David John Tremain of Harrison Friedmann and Associates P/L dated the 2nd June, 2003, all received by Council on the 12th June, 2003, the application form and on any supporting information received with the application, and as modified by Section 96 documentation including plans numbered DA01 Rev. A, DA02 Rev. D, DA03 Rev. D, DA04 Rev. D; DA05 Rev. E, DA06 Rev. D, DA07 Rev. E, DA08 Rev. E, DA09 Rev. E, DA10 Rev. E, DA11 Rev. D, DA12 Rev. C, & DA13 Rev. C, dated 12 June 2007, prepared by Turner and Associates, and draft strata plans, Sheets 1-5, dated 14 June 2007, prepared by Harris Freidman and Associates, and all stamped received by Council on 15 June 2007, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

- **Amend Condition No. 7 to read:**

7. *New power supply and telecommunications cabling to the development (connecting to existing above ground cabling) shall be underground.*

- **Delete Condition No. 31**

- **Delete Condition No. 72**

- **Amend Condition No. 81 to read:**

81. *Prior to the issuing of a final occupation certificate the applicant shall supply Council with certification from a suitably qualified Landscape Architect, (who is*

eligible for membership with the Australian Institute of Landscape Architects), stating:

- The Development Consent Condition number that the inspection relates to.
- The date the site was inspected.
- That landscape works have been successfully implemented in accordance with the approved landscape documentation.

- **Amend Condition No. 101 to read:**

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

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

In the event that a neighbouring property owner denies consent to the engineer or building surveyor to undertake the dilapidation report, documentary evidence demonstrating that all reasonable attempts have been made to access these properties, shall be submitted to the principal certifying authority prior to the commencement of any works.

- **Amend Condition No. 127 to read:**

127. 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	\$11,696.40
b) for the provision or improvement of community facilities	\$ 5,171.60
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. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

- **Add the following conditions:**

- a. *Prior to the issuing of a Final Occupation Certificate car space No. 7 shall be signposted as a "small car space".*
- b. *Car space No 7 shall be shown on the title of Dwelling No. 6 as a small car space.*

136. *Internal driveway gradients shall be constructed in accordance with ramp sections for the inside edge, middle of ramp and outside edge as shown on the submitted plans to Council by Turner & Associates marked Job No. 02029, Drwg No DA02, Rev F, Printed 20 July 07.*

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

**6.6 DEVELOPMENT APPLICATION REPORT - 26 MAWSON PARADE, CHIFLEY.
(DA/303/2001/A & PROP015217)**

H74 **RESOLUTION: (White/Woodsmith)** that Council as the consent authority, refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/303/2001 for permission to carry out alterations and additions to the building as the proposal will adversely impact on the amenity of the adjoining property at No 28 Mawson Parade in terms of view loss.

MOTION: (Belleli/Notley-Smith) that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/303/2001 for permission to carry out alterations and additions to the building. **LOST**

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

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

**6.7 DEVELOPMENT APPLICATION REPORT - 44 HOOPER STREET RANDWICK.
(DA/389/2007 & PROP046708)**

H75 **RESOLUTION: (Mayor, Cr. P. Tracey/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/389/2007 for permission to carry out alterations and additions to the dwelling, install an in ground swimming pool and hard stand car space at 44 Hooper 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 0721, sheets 1-7, dated May 2007 and received by Council on the 20th July 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 Planning & Community Development, 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. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
4. *There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.*
5. *The proposed upper level front balcony shall not be roofed under the main hipped roof but under a separate skillion roof. Details are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979 prior to construction certificate being issued for the development.*

6. *The French doors to the ground floor front elevation shall be provided with a fanlight to the height of the fanlight over the front door. Details are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979 prior to construction certificate being issued for the development.*
7. *The balustrades to the front balconies shall be of an open design. Details are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979 prior to construction certificate being issued for the development.*
8. *To maintain a reasonable level of privacy to the adjoining property the rear window to the upper level stair landing shall be opaque or obscure glass.*

The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.

9. *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 imposed to promote ecologically sustainable development and energy efficiency.

10. *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.*
11. *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.

12. *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)*
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 has 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:

14. *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.

15. *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:

16. *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.

17. *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.*

18. ***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.

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.

19. **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.

20. *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.

21. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, 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”.

22. 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.

23. **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.

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.

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.*

25. *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.

26. *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:

27. *The demolition of buildings and the removal, storage, handling and disposal of building materials (including asbestos) 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.

28. *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.*

29. *An Asbestos Survey prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor or building consultant), must be submitted prior to the commencement of works. The asbestos survey shall include details for managing the removal of asbestos from the site. The demolition, removal and disposal of any asbestos materials must be carried out in accordance with Council's Asbestos Policy and relevant workcare requirements.*
30. *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.*
31. *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.*
32. *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.

33. *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.

34. *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.

35. *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 8.00am to 5.00pm on Monday to Saturday inclusive 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.

36. *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.*

37. *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.

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.

38. *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.

39. *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.

40. *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.

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

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

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

42. 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/upper floor addition.

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

43. 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.

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

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and*
- *All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and*
- *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; and*
- *The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:*
 - *before 8.00am or after 8.00pm on any Sunday or public holiday; or*
 - *before 7.00am or after 8.00pm on any other day.*

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:

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

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

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:

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

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

48. *Prior to the issuing of a final occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
- a. *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
49. *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.*
50. *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:

51. *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.*
52. *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.

53. *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:

54. *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.*
55. *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:

56. *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.*

Tree Management

57. *Approval is granted for the removal of all existing vegetation from within the site in order to accommodate the proposed works as shown, as they were all observed to be too small to be covered by Council's Tree Preservation Order (TPO).*
58. *Permission is granted for the selective pruning of only that one, lowest growing branch, leading to the east, from the eastern aspect of the Melia azederach (White Cedar) growing in the front yard of the adjoining property to the west, 42 Hooper Street, which needs to be pruned in order to avoid damage/conflict during the course of the proposed works.*
59. *This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, the applicant will be required to obtain written permission from the neighbour/tree owner for such work.*
60. *All pruning must be undertaken by an Arborist holding a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard 4373-1996 'Pruning of Amenity Trees.'*

Tree Protection Measures

61. *In order to ensure the retention of the Ficus microcarpa var. 'Hillii' (Hills Weeping*

Fig) located on Council's Hooper Street nature strip, beyond the western boundary in good health, the following measures are to be undertaken:

- a. All detailed documentation submitted for the construction certificate application shall show the retention of this existing street tree, with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b. All documentation submitted for the construction certificate application will be required to show that the western side of the proposed vehicle crossing over the nature strip shall be located a minimum distance of 3.5 metres from the outside edge of the trunk of this street tree, with the crossing to be no more than 3 metres in width.
 - c. **Prior** to commencing any works associated with the proposed vehicle crossing, the applicant will be required to expose the one large woody root which is growing to the east across the nature strip, by hand dug trenches, at a point measured 3.5 metres off the outside edge of its trunk.
 - d. The applicant will then be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working days notice, to arrange for Council or Council's authorised agents, to perform the required level of root pruning to the required standard.
 - e. The applicant will be required to cover all costs associated with this work, with written advice on the cost to be provided to the applicant upon completion of root pruning works, and shall be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a final occupation certificate being issued for the development.**
 - f. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble beneath the dripline of this street tree.
 - g. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of \$2,000.00 (no GST) shall be lodged with Council prior to issue of a construction certificate, to ensure preservation of this street tree in accordance with the requirements described in this condition.
 - h. The refundable deposit will be eligible for release following issue of the final occupation certificate, providing the applicant has adhered to the requirements outlined in this condition, and the street tree has been retained in good health, with written application for this refund to be made via 'Council's Security Deposit Refund Application Form'.
 - i. Any contravention of conditions relating to this street tree at any time during the course of the works may result in Council with holding all or part of the lodged security in order to perform any rectification works necessary.
62. In order to ensure the retention of the *Eucalyptus scoparia* (Wallangarra White Gum) located in the rear yard of the adjoining property to the west, 42 Hooper Street, close to the common boundary in good health, the following measures are to be undertaken:
- a. All detailed documentation submitted for the construction certificate application shall show the retention of this specimen with the position of

its trunk and full diameter of its canopy clearly shown on all drawings.

- b. All plans submitted for the construction certificate shall also show that permeable, deep soil will be maintained along the western boundary, for the full length of the proposed raised terrace/pool area, measuring a minimum of 1 metre in width, with any new hydraulic services in the rear yard to be restricted to the eastern side of the property.*
- c. Any excavations associated with footings for retaining walls, or the western edge of the proposed pool, within 1.5 metres of the western boundary, beneath the dripline of this tree, shall be initially undertaken by hand, with any roots encountered to be cut cleanly by hand.*
- d. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble beneath the dripline of this tree.*

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 detail 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: (Mayor, Cr. P. Tracey/White) CARRIED – SEE RESOLUTION.

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

For	Against
Bastic	Kenny
Belleli	White
Hughes	

Matson
Nash
Notley-Smith
Procopiadis
Sullivan
Mayor, Cr. P. Tracey
Woodsmith

**6.8 DEVELOPMENT APPLICATION REPORT - 45 EARL STREET, RANDWICK.
(DA/165/2007 & PROP024282)**

H76 **RESOLUTION: (Bastic/White) that:**

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/165/2007 for Alterations and additions to the existing semi-detached dwelling including new first floor addition and demolition of existing carport at the rear of the site. at 45 Earl Street, Randwick, subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the amended plans numbered DA-2D to DA-4D, dated 21 August 2007 and received by Council on 22 August 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:*

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

2. *The section of the proposed southern external masonry wall above the top of the existing southern side boundary fence must be rendered and painted to match the proposed additions to the existing dwelling.*
3. *The windows to the bedroom on the eastern elevation at first floor level are to be provided with obscured glazing below 1.5m above floor level to minimise the potential overlooking of the rear yards of adjoining properties. Details of compliance are to be provided in the construction certificate plans.*
4. *The existing front window is to be replaced by a second-hand or new window to match as closely as possible the front window of no.43 Earl Street and other cottages in the group comprising nos. 39- 49 Earl Street. The replacement front window is to consist of a group of four fixed and casement sashes with fixed highlights. An amended front elevation is to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
5. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (i.e. - a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
6. *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.*

7. *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.*
8. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
9. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
10. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
11. *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 imposed to promote ecologically sustainable development and energy efficiency.

12. *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.*
13. *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.

14. *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)
15. 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 has 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 conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

16. 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.

17. 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.
18. **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.
19. **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.

20. 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.

21. 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".

22. 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.

23. **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.

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.

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.*

25. *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.

26. *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:

27. *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.

28. *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.*

29. *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. *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.

31. *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.

32. *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.

33. *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.

34. *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.

35. *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.

36. *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 condition has been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

37. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

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

38. *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 opposite the vehicular entrance to the site in Castle Street, if required.*

39. *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.*

40. *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 condition is applied to provide adequate consideration for service authority assets:

41. *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 condition is applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

42. *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.*

Advisory Conditions

- A1 *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.

- A2 *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: (Mayor, Cr. P. Tracey/Woodsmith) that the recommendation contained in the Director, City Planning's report be adopted subject to the windows to the bedroom on the eastern elevation at first floor level being provided with obscured glazing below 1.5 metres and increasing the setback of the kitchen to 1.2 metres from the side boundary. **LOST**

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

**6.9 DEVELOPMENT APPLICATION REPORT - 8 SHAW AVENUE, KINGSFORD.
(DA/195/2007 & PROP046438)**

H77 **RESOLUTION: (Mayor, Cr. P. Tracey /White) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/195/2007 for Construction of first floor studio/office addition above the existing pool house and construction of a carport structure to the front of the existing dwelling. at 8 Shaw Avenue, KINGSFORD subject to the following conditions:*
1. *The development must be implemented substantially in accordance with the amended plans received by Council on 16 July 2007, the carport details shown on*

the unnumbered drawing dated 28/01/07 & received by council on the 16 March 2007, *and amended plans dated 13/07/07 and received by Council on 16 July 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:

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

2. *The rear and side elevations of the outbuilding shall be rendered and painted in a neutral colour to soften the visual impact of the development on properties to the rear.*
3. *The colours, materials and finishes of the external surfaces to the proposed building works are to be compatible with the existing dwelling and 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 Planning & Community Development, 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.

4. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
5. *There must be no encroachment of the carport and rear outbuilding 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.*
6. *The proposed first floor studio addition must only be used for the purposes specified in the development consent and the building must not be used for separate residential accommodation or as a separate residential occupancy at any time.*

The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.

7. *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 imposed to promote ecologically sustainable development and energy efficiency.

8. Any 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:

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

21. *The demolition of buildings and the removal, storage, handling and disposal of building materials (including asbestos) 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.

22. *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.*

23. *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.*

24. *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.*

25. *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.

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.

26. *Building materials, sand, soil, waste materials or construction equipment must not*

be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

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

27. *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.

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 (greater 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. Extend/reconstruct 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 consideration for service authority assets:

32. *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:

33. *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.*

Tree Management

34. *While not directly affected by the works proposed in this application, permission has still been granted for the removal of the following specimens should the applicant wish. Should the trees described in point b of this condition be removed, 2 x 25 litre (pot size at the time of planting) broad canopied replacement trees (not palms) shall be provided in this same area of the site, using those native species which will attain a minimum height of 6 metres at maturity, in order to maintain the vegetative screen in this area of the site.*

- a) *Any Syagrus romanzoffianum (Cocos Palms) throughout the site, whether affected by the proposed works or not, as this species is exempt under Council's Tree Preservation Order.*
- b) *Two Ficus benjamina (Weeping Figs) in the rear yard, to the north of the pool, along the northern boundary, as this species is considered inappropriate in this location due to its large size, invasive and aggressive root system and likelihood of causing structural damage to surrounding structures.*

35. *Permission is granted for the minimal and selective pruning of:*

- a. *The one secondary leader from the southern side of the Acmena smithii (Lilly Pilly), located in the front yard of the adjoining property to the north, 6 Shaw Avenue, beyond the northeast corner of the subject site, in order to accommodate construction of the proposed carport as shown.*
- b. *Only those lower growing branches from the southern side of the Schinus areira (Peppercorn Tree) located in the rear yard of the subject site, near the northwest corner, beyond the northeast corner of the existing studio, which need to be pruned in order to avoid damage/interference with the proposed works.*
- c. *Those branches from the eastern side of the Eucalyptus nicholii (Willow Leafed Peppermint), located in the rear yard of the adjoining property to the west, 15 Tunstall Avenue, close to the common boundary, which need to be removed in order to avoid conflict with the proposed first floor addition of the studio as shown.*

NOTE: *The applicant may contact Council's Landscape Development Officer on 9399-0613 should clarification be sought on the level of pruning required.*

36. *This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner.*
37. *The certifying authority will be required to ensure that all pruning is undertaken by a professional Arborist who holds a minimum of AQF Level IV in Arboriculture, and is a registered member of a nationally recognized association, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

Tree Protection Measures

38. *In order to ensure the retention of the Schinus areira (Peppercorn Tree) located in the rear yard, towards the northwest corner, beyond the northeast corner of the existing studio, in good health, the following measures are to be undertaken:*
 - a. *All detailed documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b. *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 1 metre off the outside edge of its trunk to its west, south and east, matching up with the northern boundary, to completely enclose the tree.*
 - c. *This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, with signage containing the following words "TREE PROTECTION ZONE, DO NOT ENTER", clearly displayed.*
 - d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*

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 detail 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: (Mayor, Cr. P. Tracey/White) CARRIED – SEE RESOLUTION.

6.10 DIRECTOR, CITY PLANNING REPORT 65/2007 - 7 TOWER STREET, COOGEE. (DA/838/2006 & PROP002645)

H78 **RESOLUTION: (Matson/Woodsmith) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 838/2006 to carry out alterations and new first floor additions to the existing single storey semi-detached dwelling house including new first floor balconies, new front hardstand car space and associated landscaping at 7 Tower Street, Coogee subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the amended plans numbered 1b and 2b, dated 2 July 2007 and received by Council on 2 July 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:*

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

2. *The front setback of the upper level rumpus room shall be increased by a further 400mm from the front boundary of the site. Details of compliance are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*
3. *The first floor addition to the subject premises must be constructed at the same time as the adjoining dwelling at 9 Tower Street to the satisfaction of Council.*
4. *A Construction Certificate for DA consent 838/2006 must not be issued by Council or the Certifying Authority unless that Construction Certificate also incorporates DA consent 837/2006.*

Reason:

Council is of the opinion that approval of both DA 838/2006 and DA 837/2006 is warranted only in circumstances where both semi detached dwellings, known as Nos 7 & 9 Tower Street, Coogee are acted upon concurrently. The condition is imposed to prevent the owner of either property engaging a private certifier to issue an individual construction certificate for their property. Failure to comply with this condition would amount to an offence pursuant to the Environmental Planning and Assessment Act. In the absence of both consents being acted upon concurrently a streetscape issue may arise.

5. *An Occupation Certificate must not be issued for the first floor addition to the*

subject development prior to the adjoining dwelling at 9 Tower Street (DA/837/2006) being constructed at least up to "lock up" stage (completion of all structural work, internal and external wall frame, roofing, guttering and drainage and external walls/cladding and finishes) to the satisfaction of Council.

6. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing and 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 Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued.***

7. *At no time shall any privacy screening devices be placed or erected on the northern side of the first floor balcony. The glazing to the first floor balustrade shall be clear/transparent glass.*
8. *The proposed sun louvres to the first floor level front balcony at the front elevation shall be deleted.*
9. *A privacy screen having a height of 1.8m, measured from the finished balcony level, is to be provided to the northern side of the rear first floor balcony to minimise overlooking into the rear yard of 5 Tower Street. Details of compliance are to be provided in the construction certificate plans.*
10. *The proposed roller shutter door and its associated structure on the front boundary are to be deleted and the fence on the street alignment is to be a maximum height of 1.8m at any point, to maintain reasonable levels of amenity to the streetscape.*
11. *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.*
12. *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.*
13. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
14. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
15. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*

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

16. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
17. *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.

18. Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.

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

19. Surface water/stormwater must be drained and discharged to the street gutter to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

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.

20. External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a 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:

21. 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.

22. 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.

23. **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.

24. **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.

25. *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.

26. *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".*

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.*

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.

28. **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.

29. 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.*

30. 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.

31. 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:

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. *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.

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

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

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

42. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

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

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

Civil Works Conditions

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

44. *Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:*

- a. *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
45. *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.*
46. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

47. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveway and pathway entrances shall be as follows:

Driveway Entrance – match the existing Council kerb level at both the southern & northern edge openings of the driveway.
Pedestrian Entrance – match the existing Council footpath level.*
48. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
49. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Drainage Conditions

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

50. *Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
51. *Stormwater runoff from the site shall be discharged either:*
 - a) *To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR*
 - b) *Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR*

- c) *To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.*

Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b)); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

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

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.

54. *All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

Service Authority Conditions

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

55. *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.*
56. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Landscape Conditions

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

Tree Management

57. *Approval is granted for the removal of the Kentia Palm located in the front yard of the site.*

Advisory Conditions

- A1 *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.

- A2 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

MOTION: (Bastic/White) that 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. 838/2006 to carry out alterations and new first floor additions to the existing single storey semi-detached dwelling house including new first floor balconies, new front hardstand car space and associated landscaping at 7 Tower Street, Coogee subject to the conditions outlined in the Director, City Planning's report.

AMENDMENT: (Woodsmith/Notley-Smith) that development consent be granted subject to the reinstatement of the 600mm setback approved in accordance with DA 188/2004. **LOST**

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

7. MISCELLANEOUS.

7.1 DIRECTOR, CITY PLANNING REPORT 66/2007 - USE OF STORMWATER DETENTION TANKS FOR WATER STORAGE AND ON-SITE REUSE. (F2004/07209 XR F2005/00171)

H79 **RESOLUTION: (Notley-Smith/Matson) that:**

- A. *Part A of the previous recommendation (from the Health Building and Planning Committee Meeting held 10 April 2007) be amended to allow for existing on-site detention systems to be modified to allow for combined detention/retention systems as detailed below:*

- A. *Council allow on-site detention tanks to be utilised for on-site storage and re-use provided that:*

1. *The required on-site detention volume in new detention tanks is*

provided above the constant outlet and the required retention volume is provided below the outlet;

2. *If existing detention tanks are modified to allow a portion of the tank to be used for retention, it is demonstrated by a suitably qualified Hydraulic Engineer that the on-site detention requirements are still being satisfied*
3. *A suitably qualified expert confirms that the quality of water proposed for re-use is suitable for the intended purpose; and*
4. *Suitable provisions are made to prevent mosquito infestation in the tank without compromising the inlet capacity of the tank;*

And

B. This report be accepted in response to Part B of the previous recommendation.

MOTION: (Notley-Smith/Matson) CARRIED – SEE RESOLUTION.

7.2 DIRECTOR, CITY PLANNING REPORT 67/2007 - DRAFT DEVELOPMENT CONTROL PLAN - TELECOMMUNICATION AND RADIOCOMMUNICATION FACILITIES - REPORT ON RECENT PUBLIC EXHIBITION. (F2007/00413)

H80 **RESOLUTION: (Belleli/Woodsmith) that Council:**

- a) *Adopt the Draft Final Development Control Plan – Telecommunication and Radiocommunication Facilities in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Regulation, 2000; and*
- b) *Agree that the Director, City Planning may make minor modifications to the draft Development Control Plan to rectify numerical, typographical, interpretive and formatting errors if required, in the completion and printing of the Draft Final Development Control Plan – Telecommunication and Radiocommunication Facilities.*

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

7.3 DIRECTOR, CITY PLANNING REPORT 68/2007 - DRAFT PLANNING AGREEMENT POLICY. (F2006/00093)

H81 **RESOLUTION: (Belleli/Woodsmith) that Council:**

- a) *approve the Planning Agreements Policy for finalisation; and*
- b) *agree that the Director, City Planning, may make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in the finalisation and printing of the policy.*

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

7.4 DIRECTOR, CITY PLANNING REPORT 69/2007 - AFFORDABLE HOUSING UNITS - PRINCE HENRY AT LITTLE BAY DEVELOPMENT SITE. (F2004/07970)

H82 **RESOLUTION: (Belleli/Woodsmith) that Council receive and note the report and the proposed changes of the dwelling mix to four x 2 bedroom units.**

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

8. CONFIDENTIAL ITEMS.

Nil.

9. NOTICES OF RESCISSION MOTIONS.

Nil.

The meeting closed at 9.47 p.m.

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CHAIRPERSON