

**MINUTES OF PLANNING COMMITTEE MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD
ON TUESDAY, 13 APRIL 2010 AT 6:25PM**

Present:

The Mayor, Councillor J Procopiadis (West Ward)

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| North Ward | - Councillors K Smith, P Tracey & M Woodsmith |
| South Ward | - Councillors R Belleli, C Matthews & A White |
| East Ward | - Councillors T Bowen, M Matson & B Notley-Smith |
| West Ward | - Councillors B Hughes & S Nash (Deputy Chairperson) |
| Central Ward | - Councillors A Andrews (Chairperson) & T Seng & G Stevenson |

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Ms D Brien

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 9 MARCH 2010**

PL21/10

RESOLUTION: (Smith/Belleli) that the Minutes of the Planning Committee Meeting held on Tuesday 9 March 2010 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Cr Stevenson left the meeting at this point (6.27pm) and did not return.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr White declared a non significant non pecuniary interest in Item D19/10 as he knows the owner of the property.
- b) Cr Matthews declared a non significant non pecuniary interest in Item D19/10 as he knows the owner of the property.
- c) Cr Matson declared a non significant non pecuniary interest in Item D20/10 as he knows the speaker.
- d) Cr Matthews declared a non significant non pecuniary interest in Item M8/10 as he knows the speaker.
- e) Cr Matson declared a non significant non pecuniary interest in Item M8/10 as he knows the speaker.
- f) Cr Hughes declared a non significant non pecuniary interest in Item D20/10 as he knows the speaker.

Address of Council by Members of the Public

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

D14/10 37 HOUSTON ROAD, KINGSFORD

Against Anthony Betros (on behalf of the objectors)

D15/10 11 LURLINE STREET, MAROUBRA

For Betty Pang (Owner)

D19/10 38 CALEY STREET, CHIFLEY

Against Peter Friedmann (the applicant)

D20/10 373 AVOCA STREET, RANDWICK

Against Sandra Tosti (objector)

D21/10 2 - 40 GUMARA STREET, RANDWICK

For Anthony Betros (on behalf of the applicant)

M8/10 RECLASSIFICATION OF LAND – 64-66 MINNEAPOLIS CRESCENT, MAROUBRA AND 3/90-98 KING STREET, RANDWICK – FROM COMMUNITY TO OPERATIONAL LAND

Against Rozita Leoni

Urgent Business

Nil.

Development Application Reports

D14/10 Development Application Report - 37 Houston Road, Kingsford (DA/622/2009)

PL22/10

RESOLUTION: (Belleli/Notley-Smith) that Council refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 622/2009 for alterations & additions to existing RFB

including new attached double garage fronting Barker Street with new kitchen and terrace for Unit 4 above, new laundries for units 1,2,3 on the southern elevation and a new ensuite for Unit 4 at 37 Houston Road, Kingsford, for the following reasons:

1. The proposed landscaped area is 33.9% and does not achieve the minimum prescribed landscaped area of 50% specified in Clause 31 of Randwick Local Environmental Plan 1998. The proposal does not satisfy the purpose of the landscaped area standard because the lack of setback to Barker Street prevents landscape planting that would soften the impact of the development.
2. The proposed floor space ratio is 1.03:1 and exceeds the maximum prescribed floor space ratio of 0.65:1 specified in Clause 32 of Randwick Local Environmental Plan 1998. The proposal does not satisfy the purpose of the floor space ratio standard because its massing and scale would compromise the character of the existing building and the locality.
3. The proposed addition has an adverse impact on the character of the street and is therefore inconsistent with the objectives of the 2B Residential Zone specified in Clause 11 of Randwick Local Environmental Plan 1998.
4. The proposed addition does not satisfy the preferred solutions and objectives for Building Setback specified in Clause 3.3 of Development Control Plan Multi-Unit Housing.
5. The proposed addition does not satisfy the preferred solutions and objectives for solar access specified in Clause 4.4 of Development Control Plan Multi-Unit Housing.

MOTION: (Belleli/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION

**D15/10 Development Application Report - 11 Lurline Street, Maroubra
(DA/161/2009/B)**

PL23/10

RESOLUTION: (Belleli/Notley-Smith) that Council as the consent authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/161/2009/B for modification by partial enclosure of upper balcony and minor alterations to windows, building materials and fences at 11 Lurline Street, Maroubra in the following manner:

Amend Condition No 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered DA01, DA06, DA07 dated 22 July 2009 and DA03, DA04, DA05 dated 5 June 2009, the application form and on any supporting information received with the application, **as amended by the Section 96 plans dated 29 March 2010 and received by Council 29 March 2010 only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans.

MOTION: (Belleli/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION

**D16/10 Development Application Report - Shop 131 Coogee Bay Road,
Coogee (DA/79/2010)**

PL24/10

RESOLUTION: (Belleli/Notley-Smith) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/79/2010 for the Change of use of an existing premises to a massage therapy clinic with hours of operation; Monday-Thursday 7.00am to 9.00pm, Friday 7.00am to

8.00pm, Saturday 8.00am to 7.00pm and Sunday 9.00am to 8.00pm; and associated signage, at Shop 131 Coogee Bay Road, Coogee, subject to the following conditions:

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:

1. The development must be implemented substantially in accordance with the plans labelled Commercial Premises Lot 1, SP 13088 and received by Council on 10 February 2010, 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 use and operation of the premises shall not give rise to an environmental health or public nuisance.
3. 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*.
4. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
5. The hours of operation are restricted to :

Monday to Thursday:	7.00am to 9.00pm;
Friday:	7.00am to 8.00pm;
Saturday:	8.00am to 7.00pm; and
Sunday:	9.00am to 8.00pm

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

6. Skin penetration as defined under the Public Health Act 1991 is not permitted.
7. The premises must not to be used for the purpose of a brothel and in this regard, no sexual services are to be offered in association with the massage use.
8. The maximum number of employees operating from the subject premises is restricted to 2, and their relevant remedial and therapeutic massage qualifications are to be submitted to and approved by Council's Director City Planning prior to the commencement of the use.
9. All furniture used for treatments (e.g. chairs, tables, and treatment beds), shelves and fittings must be constructed of, or covered with material that is smooth, impervious to moisture and capable of being easily cleaned.
10. A wash hand basin must be provided in a common area and must be accessible at all times.
11. The wash hand basin must have a supply of soap and disposable towels at all times.
12. All wash hand basins and cleaning sink/s must have:
 - a supply of hot and cold water from a mixing valve,
 - ceramic tiles provided to a height of 450mm above the wash hand

basins and cleaning sink.

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 health, safety and amenity:

Regulatory

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

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

Fire safety

14. The existing levels of fire safety within the building are to be upgraded and carried out prior to the commencement of the proposed use, in accordance with the following requirements and relevant provisions of the Building Code of Australia (BCA), as applicable,:

- a) Provide portable fire extinguisher/s and fire blanket/s within the office area in accordance with clause E1.6 of the BCA,
- b) Details of the abovementioned works must be included in the Construction Certificate, which must be obtained from Council's Building Certification Services or an Accredited Certifier, prior to carrying out any works,

15. 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 is to be forwarded to the NSW Fire Brigades, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

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:

16. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration or, result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

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

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

18. Business premises which are used for massage purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to the commencement of the proposed use. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

ADVISORY MATTERS:

1. The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

MOTION: (Belleli/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION

**D17/10 Development Application Report - 55 Dudley Street, Coogee
(DA/364/2008/A)**

PL25/10

RESOLUTION: (Nash/White) 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/364/2008/A for permission to modify the approved development to increase the floor area of apartments 1, 6, 11 and 13, increase the size of the balconies to apartments 10 and 11 at 55 Dudley Street, Coogee in the following manner:

Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered S82A-100, S82A-101, S82A-102, S82A-103, S82A-104, S82A-105, S82A-200, S82A-201, S82A-300, S82A-301 and S82A-302, all Revision D, dated 21/10/09 and received by Council on the 22 October 2009, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered S96-000, S96-001, S96-102, S96-103, S96-104, S96-200, S96-300, S96-301 & S96-302 all Revision E dated 3/12/09 and received by Council on the 4th December 2009, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans:

MOTION: (Nash/White) CARRIED - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Tracey
Councillor Bowen	Councillor Woodsmith
Councillor Hughes	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	

Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor White	
Total (11)	Total (3)

**D18/10 Development Application Report - 44 Adams Avenue, Malabar
(DA/735/2009)**

PL26/10 **RESOLUTION: (Belleli/Notley-Smith) -**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 32 and 33(3) of Randwick Local Environmental Plan 1998, relating to maximum floor space ratio and external wall height, respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/735/2009 for the demolition of part of existing dwelling, construction of two storey attached dual occupancy utilising remaining portion of existing dwelling with garaging and associated works at 44 Adams Avenue, Malabar, 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 5116, DA01 - DA06, inclusive, all Revision A, dated July 2009 and received by Council on 12 October 2009, as amended by the plans numbered 5116_DA01 to 5116_DA04 dated July, 2009 all Revision B and received by Council on 10 March 2010, 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 garage door width of Unit No. 1 shall have a width of 2.5m to ensure there is adequate room to enter and exit from the garage and details of compliance are to be provided in the construction certificate plans.
3. The colours, materials and finishes of the external surfaces to the building are to be implemented in substantial accordance with the undated schedule of external colours and finishes numbered 5116, received by Council on 12 October 2009 and be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.
4. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
5. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
6. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.

7. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
8. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
9. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.

The following condition is applied to promote occupant safety in the building.

10. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- i. The window having a minimum sill height of 1.5m above the internal floor level,
- ii. Providing a window locking device at least 1.5m above the internal floor level,
- iii. Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- iv. Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- v. Other appropriate effective safety measures or barrier.

The following condition/s are imposed to satisfy the requirements of the Sydney Water Corporation.

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 must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before commencing any works.**

The following condition is applied to meet additional demands for public facilities;

12. In accordance with Council's Section 94A Development Contributions Plan

effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development Cost More than \$200,000	\$476, 300	1.0%	\$4,763.00

The levy must be paid in cash, bank cheque or by credit card prior to

a) a construction certificate being issued

for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

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

13. 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.

14. 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.

15. 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)

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

BASIX commitments have been fulfilled.

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

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

17. 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:

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 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.

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

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

In relation to residential building work, the principal contractor must be the

holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

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 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.

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. 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.

27. 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.

28. 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:

29. 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 Work Cover 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.

30. 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.

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. 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.

33. 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).

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

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

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

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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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. 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 road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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:

42. 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 $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ 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 ensure that adequate provisions are made for the management of waste from the development:

43. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.
44. Demolition and construction wastes shall be managed in general accordance with the submitted Waste Management Plan received by Council on the 12 October 2009.

Where practicable waste materials must be re-used or recycled, rather than disposed. Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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

45. 1) 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 following conditions are applied to provide adequate provisions for access, transport and infrastructure:

46. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for a Council approved contractor to:
 - a) Construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Prince Edward Street.
 - b) Construct a concrete footpath along the Prince Edward Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
47. 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.

48. 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:

49. 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 be as follows:

Prince Edward Street - 150mm above the top of the kerb at all points opposite the kerb, along the site frontage.

50. The design alignment levels issued by Council and their relationship to the kerb 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.
51. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$801.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

52. 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.
53. 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.
54. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the

development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

55. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

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

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

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

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

56. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to Council's kerb and gutter.

The location and details of the proposed internal stormwater pipelines and silt arrester pit shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

- a. The sediment/silt arrester pit shall be constructed:-
- i. within the site at or near the street boundary.
 - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
 - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
 - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
 - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

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

57. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards

to meeting Council's requirements for waste services to the additional residence/dual occupancy

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

58. Landscaping at the site shall be installed in accordance with the Landscape Concept Plan by Vision Dynamics Pty Ltd, drawing number 9100DA 1, revision A, dated 25.09.09, prior to the PCA issuing a Final Occupation Certificate, and shall be maintained in accordance with these plans.
59. The nature-strips upon both of Council's footways 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 Removals

60. Approval is granted for removal of the following trees as part of this application, subject to full implementation of the approved landscape plan:
 - a) A small *Araucaria heterophylla* (Norfolk Island Pine) located in the front yard, due to its existing average health and condition, inappropriate location close to the northwest corner of the existing dwelling, as well as to accommodate the proposed development as shown;
 - b) The most western of the two closely planted *Araucaria heterophylla* (Norfolk Island Pines) towards the northeast corner of the site, in order to increase the amount and usability of private open space available to future occupants, which will also reduce competition for the remaining Norfolk Island Pine that is to be retained (refer Tree Protection Measures for Private Property later in this report).

Tree Pruning

61. Permission is granted for the selective and minimal pruning of only those lower growing rungs/whorls of branches (to a maximum height of 3 metres above natural ground level), from the most eastern *Araucaria heterophylla* (Norfolk Island Pine) which is located in the front yard, towards the northeast corner of the site, in order to prevent damage to the tree, as well as to facilitate access both during and upon completion of all works.
62. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Street Tree Protection Measures

63. In order to ensure retention of the *Hibiscus tiliaceus* (Cottonwood) located on the Adams Avenue nature strip, to the east of the existing vehicle crossing, as well as the two small, recently planted *Cupaniopsis anacardioides* (Tuckeroo's) on the Prince Edward Street frontage in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the construction certificate application must show their retention, together with the extent of their canopies to be clearly shown on all drawings.

- b. Any new services, pipes, stormwater systems or similar that need to be installed over public property, must be done so along either the sites side boundaries; or, against either side of the new crossings, so as to minimise root damage.
- c. Each of these three (3) street trees must be physically protected by installing a total of four star pickets at a setback of **1.5 metres** (measured off the outside edge of their trunks at ground level), matching up with the back of the kerb or footpaths as appropriate, to which safety tape/para-webbing shall be permanently attached so as to completely enclose each tree for the duration of 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, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
- e. The applicant is not authorised to perform any works to these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- f. Within the zones specified in point 'c' above, 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.
- g. A refundable deposit in the form of cash, credit card or for an amount of **\$750.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these street trees.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to any of the trees at any time during the course of the works, or prior to the issue of a Final Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Tree Protection Measures for Private Property

64. In order to also ensure retention of the most eastern *Araucaria heterophylla* (Norfolk Island Pine) located in the front yard, towards the northeast corner of the site in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the construction certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings, with measurements between the tree and any works to be shown.

- b. With the exception of the approved building works, landscaping and installation of the 100mm PVC stormwater pipe and 450 x 450 surface pit proposed to its south, there must be no alteration to existing soil levels, any remediation works or any new structures, services, footings, detention tanks, pipes, cutting or battering of the existing soil profile within the turfed area to the east of the proposed pedestrian access path.
- c. This tree shall be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **3.5 metres** to its north, west and south (measured off the outside edge of its trunk at ground level), matching up with the eastern site boundary, in order to completely enclose this tree 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 the landscape works are being carried out, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
- e. Within the zone specified in point 'c' above, there is to be no storage of materials, 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 roots encountered during the course of the approved works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

Advisory Conditions

- A1 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

Failure to comply with these important requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the *Environmental Planning & Assessment Act 1979*. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence.

- A2 A local approval application must be submitted to and be approved by Council's Building Certification 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 or any other container or article.

For further information please contact Council's Building Certification Services on 9399 0944.

- A3 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A4 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.
- A5 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link:-

<http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

MOTION: (Belleli/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION

D19/10 Development Application Report - 38 Caley Street, Chifley (DA/23/2010)

PL27/10

RESOLUTION: (Hughes/Matthews) that the application be deferred (to the April Ordinary Council Meeting) to enable Councillors to be briefed in relation to the legal aspects of the matter.

MOTION: (Hughes/Matthews) CARRIED - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Tracey
Councillor Belleli	Councillor Woodsmith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor White	
Total (12)	Total (2)

D20/10 Development Application Report - 373 Avoca Street, Randwick (DA/654/2009/A)

PL28/10

RESOLUTION: (White/Matthews) 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/654/2009 for permission to enlarge the wet area and reduce the storage area at ground floor of outbuilding, replace

underground water tank with above ground water tank, delete deck from loft area, delete skylights and new timber window to front facade of existing dwelling add timber louvres to front gable for 373 Avoca Street, Randwick in the following manner:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plan numbered 861-07, dated 18 November 2009 and received by Council on 19 November 2009, as amended by the Section 96 plan numbered 861-07, dated 1 February 2010 and received by Council on 4 March 2010, only in so far as it relates to the modifications highlighted on the Section 96 plan and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Add the following Condition:

45. The rainwater tank located along the northern side boundary must not exceed the height of the boundary fence. This condition is imposed to ensure the rainwater tank is not visible from the neighbouring dwellings habitable living room windows or openings along their northern elevation.

MOTION: (Matson/Woodsmith) that the Section 96 application (to modify Development Consent No DA/654/2009) for 373 Avoca Street, Randwick be approved, subject to the deletion of the proposed timber louvres to the front gable. **LOST.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Woodsmith	Councillor Bowen
	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Tracey
	Councillor White
Total (3)	Total (11)

MOTION: (White/Matthews) CARRIED - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Hughes
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Woodsmith
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Tracey	
Councillor White	
Total (11)	Total (3)

**D21/10 Development Application Report - 2 - 40 Gumara Street, Randwick
(DA/187/2009/A)**

PL29/10

RESOLUTION: (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/187/2009 for the Stage 2 development application for construction of 27 terrace houses with basement car parking for 54 vehicles and basement storage/utility rooms; and two residential flat buildings (comprising one 3 storey building and one part 4/part 5 storey building) both containing a total of 28 dwelling units (13 x 1 bedroom, 6 x 2 bedroom and 9 x 3 bedroom) with semi basement car parking for 37 vehicles at 2 - 40 Gumara Street, Randwick, in the following manner:

1. Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans/diagrams numbered A-001 Revision 4, A-101 Revision 13, A-200 Revision 16, A-201 Revision 18, A-202 Revision 12, A-203 Revision 12, A-204 Revision 11, A-205 Revision 11, A-206 Revision 11, A-207 Revision 11, A-208 Revision 6, A-209 Revision 6, A-210 Revision 15, A-211 Revision 17, A-212 Revision 16, A-213 Revision 11, A-214 Revision 16, A-215 Revision 11, A-216 Revision 7, A-301 Revision 12, A-302 Revision 12, A-303 Revision 13, A-304 Revision 12, A-305 Revision 13, A-306 Revision 11, A-307 Revision 11, A-308 Revision 13, A-350 Revision 15, A-351 Revision 17, A-352 Revision 15, A-353 Revision 14, A-354 Revision 13, stamped received by Council on 15 May 2009, the application form and on any supporting information received with the application, as amended by the **Section 96(2) plans numbered A-101 Revision 16, A-200 Revision 19, A-201 Revision 21, A-202 Revision 17, A-203 Revision 18, A-204 Revision 14, A-205 Revision 15, A-206 Revision 14, A-207 Revision 15, A-208 Revision 9, A-209 Revision 10, A-301 Revision 17, A-302 Revision 17, A-303 Revision 19, A-304 Revision 17, A-305 Revision 17, A-306 Revision 16, A-307 Revision 15, A-308 Revision 17, received by Council on 5 March 2010; S96-01C, S96-02C, S96-03C, S96-04C, S96-05C, S96-06C, S96-07C, S96-08C, S96-09C, S96-10C, S96-11C and S96-12C, all dated 15/03/2010 and received by Council on 16 March 2010, and the application only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application excluding the deletion of the first floor rear balconies of the terrace blocks** and except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. Add New Condition No. 101 as follows:

101. The proposed deletion of first floor balconies to rear bedrooms in the terrace blocks and the provision of external three-sided enclosing louvers to rear bedroom windows must be deleted from proposed development and the plans for the construction certificate must be amended accordingly.

3. Amend Condition No. 18 to read as follows:

- 18 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. A new BASIX Certificate shall be made reflecting the changes to the Section 96 application.

4. Amend Condition No. 19 to read as follows:

- 19 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, including required changes to the Section 96 application, 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.

3. Add New Condition No. 102 as follows:

102. A Certificate of Adequacy must be supplied by a structural engineer to the certifying authority (and the Council, if the Council is not the certifying authority) for the works already completed that are the subject of this Section 96 application prior to an amended construction certificate being issued for the works that are required to be completed under this consent. Compliance with the Building Code of Australia is to be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to an amended construction certificate being issued for the works that are required to be completed under this consent.

MOTION: (Belleli/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION

D22/10 Development Application Report - 10 Severn Street Maroubra (DA/550/1994/C)

PL30/10

RESOLUTION: (Belleli/Notley-Smith) that Council as the responsible authority grant its consent under Section 96AA of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. DA/550/1994 for 10 Severn Street, Maroubra in the following manner:

A. Amend Condition No. 1 as follows:

The development must be implemented substantially in accordance with the plans numbered A01 to A03 dated 17/07/08 and received by council on 21/07/08 as amended by plans numbered F01 to F03, dated 15 July 2009 and received by Council on 23 July 2009, **as further amended by the Section 96 application received by Council on the 10th February 2010 and plans numbered G01 & G03 dated 02/02/10 only in so far as they relate to modification highlighted on the plans, 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:

B. Condition No. 90 be deleted**C. Condition No. 3 to be amended to read:**

3. Privacy screens must be installed on the east and west sides of the northern balconies at all levels. The privacy screens must be at least 1.5m

high **except those to Level 2 of the building (servicing Unit 1) which must be at least 1.8m high, as measured from the floor level. Plans accompanying the amended construction certificate are to be amended accordingly.**

MOTION: (Belleli/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION

D23/10 Development Application Report - 15 Bona Vista Avenue, Maroubra (DA/962/2009)

PL31/10

RESOLUTION: (Belleli/Notley-Smith) -

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standard in respect to non-compliance with Clause 31(2) of Randwick Local Environmental Plan 1998, relating to Landscaping, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 95/2010 for alterations to the existing multi unit housing building including replacement of existing balcony balustrades, new clothes lines, new garage doors, new hardstand car parking, landscaping and rendering of façade at 15 Bona Vista Avenue, Maroubra, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered 09/025-1A of 2 and 09/025-2A of 2 (as marked in red by Council Officer on 16 November 2009), dated 19 October 2009 and received by Council on 22 October 2009, 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 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 applied to provide adequate provisions for access, transport and infrastructure:

3. 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.

The following condition is applied to meet additional demands for public facilities:

4. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council:

Category	Cost	Applicable Levy	S94A Levy
Development cost	\$100000	0.5%	\$500.00

\$100000 - \$200000			
Development cost more than \$200000	-----	1.0%	-----

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

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

5. 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.
6. 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 vehicular and pedestrian access to the proposed carspaces.

7. The number of carspaces proposed across the rear of the site shall be reduced in number to **five** and must comply with all the requirements of Australian Standard 2890.1:2004. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.

NOTE: The carspaces labelled 'existing' on the submitted plans have not been previously approved by council and shall be relabelled 'proposed' on plans submitted for the construction certificate.

The following conditions are applied to satisfy relevant legislative requirements and to provide reasonable levels of safety and amenity:

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

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

9. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
10. **Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier,**

in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

11. **Prior to the commencement of any building works**, the person having the benefit of the development consent must:
 - i) appoint a *Principal Certifying Authority* for the building work, and
 - ii) appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
 - iii) unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.
12. The 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.
13. An Occupation Certificate must be obtained from the Principal Certifying Authority **prior to any occupation or use of the development** encompassed in this development consent (including alterations, additions and 'fit-out' work to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
14. Where applicable, a *Fire Safety Certificate* must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

The *Fire Safety Certificate* must include details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire Safety Certificate*. A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

An annual *Fire Safety Statement* must be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

15. Any 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.

16. 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 the proposed works are suitable, the plans will be appropriately stamped by Sydney Water or their Agent. 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 **prior to the commencement of any building works.**

17. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

- 1) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

18. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (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 the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only.

19. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):
- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a *Demolition*

Work Plan is required to developed and implemented to the satisfaction of the Principal Certifying Authority **prior to commencing any demolition works.**

- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
- A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
 - Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
 - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
 - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council **prior to issuing an Occupation Certificate.**

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.

- c) A sign must be provided and maintained in a prominent position, 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".
- d) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, 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.
- e) A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council. For further information, please contact Council's Road/Asset Opening Officer on 9399 0691 or 9399 0999.

- f) Building materials, sand, soil, waste materials, construction equipment or other materials or articles 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.
- g) Bulk bins, waste containers or other articles 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 or other articles in a public place can be made to Council's Building Services section.

- h) During demolition and construction, 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 Landcom, to the satisfaction of Council.
- i) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. 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.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- j) 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.

The requirements and practices contained in the *Protection of the Environment Operations Act 1997* and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council.

- 20. Access and/or facilities for people with disabilities must be provided to new buildings or new work in accordance with the relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.
- 21. A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
 - 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 demolition works and 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 details.

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

ADVISORY

- A1 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

- A2 In existing buildings, the levels of fire and occupant safety should be upgraded where necessary and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

Where the levels of accessibility to existing buildings do not meet current standards, if practicable, the level of accessibility should also be upgraded in conjunction with the proposed development (e.g. via the installation of a 1:8 access ramp within the building) and details included in the construction certificate application.

Building owners, applicants and builders are advised to speak to the appointed Certifying Authority prior to lodgement of the Construction Certificate.

- 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.

The applicant may wish to consider a strata plan of subdivision of the common property to formally allocate the rear car spaces to the various strata lots in Strata Plan 525.

MOTION: (Belleli/Notley-Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION

Miscellaneous Reports

M7/10 Miscellaneous Report - Unit 6, 878-890 Anzac Parade, Maroubra (DA/586/2009)

PL32/10 **RESOLUTION: (Woodsmith/Belleli)** that the report be received and noted.

MOTION: (Woodsmith/Belleli) CARRIED UNANIMOUSLY - SEE RESOLUTION.

M8/10 Miscellaneous Report - Reclassification of land - 64-66 Minneapolis Crescent, Maroubra and 3/90-98 King Street, Randwick - from Community to Operational Land (F2004/07993)

PL33/10 **RESOLUTION: (White/Smith)** that Council:

- a) note that the community consultation requirements of the Local Government Act 1993 and the LEP gateway process to reclassify 64-66 Minneapolis Crescent, Maroubra and 3/90-98 King Street, Randwick from 'Community' to 'Operational' land have been successfully executed, and
- b) endorse that the Department of Planning be notified accordingly, seeking the finalisation of the planning proposal (via an LEP amendment) for the land

reclassification process for the subject sites, in accordance with Section 59 of the EP&A Act.

MOTION: (White/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Notice of Rescission Motions

Nil.

The meeting closed at 7.18pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 11 May 2010.

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CHAIRPERSON