

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 14TH MAY, 2002 AT 6:58 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward)

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Cr A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick and M. Whitehead.
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Environment	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Acting Manager Environmental Planning	Ms. K. Armstrong.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Manager Environmental Health & Building Services	Mr. R. Wereszczynski.
Acting Communications Manager	Ms. L. Fragiacomio.

1. APOLOGY.

An apology was received from Cr Procopiadis.

RESOLVED: (Daley/White) that the apology be received and accepted and leave of absence be granted to Cr Procopiadis from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 14th May, 2002.

LEAVE OF ABSENCE

Leave of Absence had previously been granted to Cr Matthews, Minute No. 93/2002.

The meeting was adjourned at 6.59 p.m. and resumed at 7.06 p.m.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 9TH APRIL, 2002.

H28 **RESOLUTION:** (*Andrews/Bastic*) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 9th April, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (*Daley/White*) that the meeting be adjourned at 7.07 p.m. and be further adjourned at 7.37 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

ITEM 5.3 36 CURTIN CRESCENT, MAROUBRA (SANDS HOTEL)

The Objector Mr Phillip Duthie 23 Meagher Avenue, Maroubra

The Applicant Mr Simon Shannon 32-40 Curtin Crescent, Maroubra

ITEM 5.5 139-141 CARRINGTON ROAD, COOGEE

The Objector Mr Chris Millett 32 Raleigh Street, Coogee

The Applicant Mr Craig Thorn 806-812 Anzac Parade, Maroubra

ITEM 6.3 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 25/2002 – PROPOSED CONTAINER EXAMINATION FACILITY AT 15 BUMBORAH POINT ROAD, PART LOT 103 DP805244.

Mr Chris Ryan from the Australian Customs Service answered Councillors' questions in relation to the above item.

The meeting was resumed at 8.12 p.m.

4. MAYORAL MINUTES.

Nil.

5. DEVELOPMENT APPLICATIONS.

5.1 5-11 AND 15-17 GREEN STREET, MAROUBRA. (D/1057/2001)

H29 **RESOLUTION:** (*Bastic/Andrews*) that:

A *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio) on the grounds that*

the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the NSW Department of Urban Affairs and Planning be advised accordingly.

- B** *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1057/01 to demolish the existing commercial/residential building (No.5-11 Green Street) and auto electrical workshop building (No,15-17 Green Street) and to erect a new 7 storey commercial/residential building comprising 4 ground floor commercial/retail units, 42 two-bedroom dwellings and car parking for 54 vehicles at No.5-17 Green Street, Maroubra subject to the following conditions:-*

Deferred Commencement Conditions

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

- 1. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the street scape.*

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

- 2. A coloured elevation indicating details of the proposed colours, materials and textures is to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
- 3. Details of the profile of the proposed metal cladding are to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

Evidence required to satisfy the above conditions must be submitted to Council within 3 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Amendment Regulation 1998, or the consent will lapse.

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans prepared by Baker Kavanagh Architects numbered A001 to A007-Revision B and A010 to A014- Revision B dated 27 March 2002 and received by Council on 27 March 2002, and L/01-Revision B dated 26 October 2001 and received by Council on 7 November 2001, the application form and on any supporting information received with the application, except as may be amended by 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:

2. *A new development application shall be submitted for any proposed strata subdivision of the development.*
3. *The consumption of water within the proposed building shall be minimised by the use of triple A-rated water efficient plumbing features (taps and shower roses) and water-efficient dual flush toilets. Details of compliance are to be provided in the construction certificate.*
4. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning & Environment pursuant to the deferred commencement conditions.*
5. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
6. *The development must be designed and constructed to achieve a minimum energy efficiency Nat HERS rating of 3.5 stars or equivalent and a Nat HERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.

7. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
8. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
9. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

10. *The enclosure of balconies is prohibited by this consent.*
11. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

The following group of conditions have been applied to ensure that adequate provisions are made for Section 94 Contributions:

12. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$65,543.68. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$28,537.92. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of car parking facilities in lieu of a deficiency in on-site provision by 6 car spaces for an amount of \$61,187.50. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

13. *Vehicular access to the commercial and residential visitor parking area on the ground floor of the development shall be readily accessible to visitors at all times.*

Where a security gate is provided restricting access to the car parking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.

14. *Vehicle turning diagrams using the 85 percentile template must be submitted to Council prior to the issuing of a construction certificate demonstrating that the car park layout will allow for straightforward and safe manoeuvring.*
15. *Should the height of any temporary structure and/or equipment be greater than 45.72 metres above existing ground height, approval shall be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.*
16. *Approval to operate construction equipment (i.e. cranes) at a height higher than that of the proposed controlled activity (i.e. the proposed building) shall be obtained from the Sydney Airports Corporation Limited (SACL) prior to any commitment to construct. The information to be provided with any application for approval shall include the following:*
 - a. *The location of any temporary structure or equipment, i.e., construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94).*
 - b. *The swing circle of any temporary structure/equipment used during construction.*
 - c. *The maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment, i.e. construction cranes, intended to be used in the erection of the proposed structure/activity.*
 - d. *The period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.*

Any application for approval containing the relevant and necessary information shall be submitted to the SACL at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293.

The following group of conditions have been applied to ensure that site contamination issues are adequately addressed:

17. ***Upon completion of demolition works and prior to a construction certificate being issued, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past filling activities that may have occurred on site. The detailed site contamination report is to be submitted to and accepted in writing by Council.***

The detailed site investigation must include a statement, which describes whether the site is suitable for the proposed use (including the excavation of the site).

The detailed site investigation is to be carried out in accordance with the NSW EPA Guidelines and the Council may request that the report is reviewed by an EPA accredited site auditor. Additionally, the excavated material is to be suitably identified and classified to ensure suitable disposal in accordance with the

provisions of the Protection of the Environment Operations Act 1997 and Regulations and any relevant EPA guidelines such as the EPA Environmental Guidelines' Assessment, Classification and Management of Liquid & Non-Liquids Wastes' (1999).

18. *Council must be notified of any new information that comes to light during excavation, which has the potential to alter previous conclusions about site contamination.*
19. *All works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environmental Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
20. *The disposal of contaminated soil should have regard to the provisions of the Protection of the Environment Operations Act 1997 and Regulations and any relevant EPA guidelines such as the EPA Environmental Guidelines' Assessment, Classification and Management of Liquid & Non-Liquids Wastes' (1999).*

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:

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

Additionally, the operation of all equipment must be in accordance with the NSW EPA Guidelines including the Industrial Noise Policy and Environmental Noise Control Manual.

22. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
23. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*

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:

24. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
25. *There are to be no emissions or discharges from the premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
26. *The location of the discharge point serving the car park mechanical ventilation*

system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.

*Details of compliance are to be provided in the plans and specifications for the **construction certificate.***

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

27. *Garbage storage enclosures (garbage-loading area/commercial garbage area) are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer in accordance with the requirements of Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***

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

28. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

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

29. *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.*
30. *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 requirements 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 \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

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

31. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.*

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

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

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

33. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be*

contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act, 1989 and Regulations.

34. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
35. *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.*
36. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
37. *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 available to the Council officers upon request.*
38. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- *Sediment control measures.*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*
39. *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 protected to prevent them from being dangerous to life or property.*

40. *Retaining walls or shoring 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, if the soil conditions require it, and adequate provisions are to be made for drainage.*

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

41. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

42. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*

- a) car parking and vehicular access*
- b) landscaping*
- c) stormwater drainage*
- d) external finishes and materials*

43. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*

44. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

45. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*

46. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for*

every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

47. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
48. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
49. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
50. *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, including details of proposed access arrangements and traffic management measures for heavy construction vehicles requiring access to the site.*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

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

51. *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.*

A soil and water management plan (SWMP) must be submitted to and approved by

the principal certifying authority and implemented prior to the commencement of any site works or activities.

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

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

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

53. *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.*

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

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

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

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

55. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
56. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

57. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.*

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

58. *The following damage 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) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

59. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$1000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

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

60. *The applicant shall dedicate a strip of land 4.57 metres wide along the Green Street frontage of No.15-17 for road widening of Green Street.*
61. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - *Construct a full width concrete heavy duty vehicular crossing and layback opposite the new vehicular entrance to the site.*
 - *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification. It is noted that this will include modifying the existing double grated drainage pit that is located in the existing layback to include a 3.66m lintel.*
 - *Construct kerb and gutter along the portion of the site frontage which does not yet have a kerb and gutter (i.e. outside No. 15-17 Green Street). It is noted that kerb and gutter is not required in the section opposite the proposed vehicular entrance to the site.*
 - *Carry out full depth (minimum 2 metre wide) road construction works in front of the new kerb and gutter to Council's requirements.*
 - *Construct a full width concrete footpath between the new section of kerb and gutter and the property boundary.*
62. *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, 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.*
63. *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.*
64. *Prior to a construction certificate being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under*

Council policy 3.02.08, for the amount of \$10,000. This Bond is to ensure the construction of the concrete footpath, kerb and gutter and roadworks along the site frontage outside 15-17 Green Street.

The Bond will be released upon the applicant meeting the costs and conditions for Council to carry out the infrastructure works.

65. *A work zone is to be provided outside the site in Green Street for the duration of the building works. Details of the work zone location and the prescribed fee for the installation of a "work zone" having a minimum length of 12 metres must be paid to Council at least four (4) weeks prior to the commencement of building works.*
66. *The wall mounted bicycle facilities on the lower ground floor levels shall be capable of holding a minimum of 19 bicycles (total).*
67. *Car spaces Nos. 1 and 25 on the floor plan LG2 shall be allocated for disabled parking and shall be of minimum width 3.2m, clearly marked and signposted.*
68. *The six parking spaces on the ground floor shall be allocated as visitor or commercial parking spaces and shall be clearly marked and signposted accordingly.*
69. *The landscaped blister islands located along the Green Street site frontage (as shown on drawing A004 rev. B by Baker Kavanagh Architects) shall be deleted.*
70. *The loading dock area shall be linemarked with hatched lines and 'LOADING DOCK' marked within this area.*
71. *'Caution Loading Dock Area' signs shall be installed around the loading dock to advise pedestrians and car drivers of the likelihood of service vehicles.*
72. *To avoid conflict between use of the commercial/visitor parking spaces and the loading dock area, deliveries to the shops shall be restricted to outside of the business hours for the commercial premises.*
73. *Warning signs shall be installed on the ground floor adjacent to the car spaces numbered 5 and 6 on Drawing A004 rev. B by Baker Kavanagh Architects, stating: 'WARNING: Parked Vehicles may Experience Delays During Deliveries'.*
74. *Convex safety mirrors shall be installed on both car park ramps in case of signal failure.*
75. *The applicant shall provide a stop sign (R1-1A) and car park type speed hump for egress vehicles just prior to the front site boundary.*

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

76. *Prior to lodging plans for a construction certificate, the applicant is to obtain the design alignment level (concrete/paved/tiled level) at the property boundary for*

driveways, access ramps and pathways or the like from Council's Department of Asset and Infrastructure Services (ph 9399 0922 or 9399 0919).

77. *The design alignment level is issued at a prescribed fee of \$704 calculated at \$16.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to the alignment levels being issued.*
78. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*

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

79. *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.*
80. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
81. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
82. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the construction certificate to see if an electricity substation will be required for the development.*

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

83. *To reduce the possibility of stormwater inundation of the subject development all habitable floor areas on the ground floor shall be at a minimum RL of 26.88 (AHD) and all parking areas on the ground floor (including the start of the ramp down to the basement parking levels) shall be at a minimum RL of 26.73 (AHD). The amended ground floor plan (Drawing A004 B by Baker Kavanagh Architects dated 27/3/2002) shows this requirement being satisfied.*
84. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
85. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the*

site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

86. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
87. *The applicant must provide for a detention volume of up to the 1 in 100 year, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.*
88. *A "restriction as to user and positive covenant" shall be placed on the title of the subject prior to the issuing of an occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

89. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
90. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
91. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

92. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
93. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*
94. *A sediment/silt arrester pit must be provided:-*
- a. *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - b. *prior to stormwater discharging into any absorption system.*

The sediment/silt arrester pit shall be constructed with:-

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- *A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

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

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

95. *A 'V' drain is to be constructed along the perimeter of the property, where*

required, to direct all stormwater to the detention area.

96. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
97. *Three covered car washing bays shall be provided for this development.*
- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*

A water tap shall be located adjacent to the car washing bays.

98. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*
99. *To reduce the amount of water being pumped out into Green Street, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

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

100. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*
101. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*
- a) *location*
 - b) *pipe diameter*
 - c) *gradient*
 - d) *pipe material i.e. PVC or EW etc*

- e) orifice size (if applicable)

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

102. *The residential garbage room area shall be redesigned/modified so as to be able to contain a total of 42 x 240 litre bins (21 garbage bins & 21 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
103. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*
104. *The residential and commercial waste/garbage areas are to be kept separate.*
105. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

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

106. *The landscaped areas shown on the plan number L/01 b, dated October 2001 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, a certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
- a. *A site plan at an appropriate scale showing existing site boundaries, existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site and at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
- The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.*
- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted*

cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.

- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- g. Location of easements within the site and upon adjacent sites (if any).*

The landscaping shall be installed in accordance with the approved documentation prior to the issue of an occupation certificate and shall be maintained in accordance with those plans.

- 107. Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
- 108. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 109. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*
- 110. All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.*
- 111. In order to secure an occupation certificate the applicant is required to engage a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA) to prepare a report stating that the landscaping on site complies with the landscape plan approved for construction and all relevant conditions listed in the DA consent. This report is to be submitted to, and approved by, a certifying authority or {the Director of Assets &*

Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979}, prior to the issue of an occupation certificate.

112. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$4,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of Council.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
 - c. *In order to organise for a final inspection for the Occupation Certificate or for the release of the security deposit, the applicant shall contact the Town Planning Department to advise that the site is ready to be inspected. Town Planning will then organise for a final inspection to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

ADVISORY MATTERS:

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

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

- a) *Part B1* - *Structural provisions*
- b) *Part C1* - *Fire resistance and stability*
- c) *Part D3* - *Access for people with disabilities*
- d) *Part E2* - *Smoke Hazard Management*
- e) *Part E3* - *Lift Installations*

- f) Part E4 - Emergency lighting, exit signs and warning systems
- g) Part F5 - Sound Transmission and Insulation

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

- A2. *In preparing the construction certificate plans for the proposed development, the applicant is advised to give due consideration to appropriate noise insulation measures (such as double glazing to window and door openings) to minimise potential noise impacts to the proposed residential units from external sources (such as cool room motors, mechanical exhaust systems and the like) on neighbouring commercial premises.*
- A3. *Approval of the development application should not be construed as support for any future applications to allow mix-use developments with a lesser provision for car parking than that required by Development Control Plan-Parking, for any site within Randwick City Council.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

(Crs Greenwood & Matson requested that their names be recorded as being opposed to the resolution.)

5.2 DEVELOPMENT APPLICATION REPORT - 466-468 ANZAC PARADE, KINGSFORD. (D/0071/2002)

H30 **RESOLUTION: (Andrews/Bastic) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/00071/2002 for Extension of trading hours for the existing restaurant at 466-468 Anzac Parade, Kingsford. subject to the following conditions: -*

- 1. *The development must be implemented substantially in accordance with development application no 71/2001 received by Council on 18/03/2002, the application form and on any supporting information received with the application, except as may be amended by 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:

- 2. *The hours of the operation of the restaurant are restricted to:-*

Monday through to Sunday from 11.00 am to 1.00 a.m. for a trial period of six months.

All food services to customers shall only be provided within the

abovementioned hours of operation and all patrons must vacate the premises by 12:30 am.

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:

3. *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. In this regard, the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.*
4. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's approval.*
5. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

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

6. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*

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:

7. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
8. *There are to be no emissions or discharges from the premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
9. *Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.*
10. *The applicant is advised that it is prohibited to dispose of waste materials in the domestic garbage service. All waste materials must be collected by Council's Trade Waste Service or waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council **prior to occupation** of the building.*

MOTION: (Andrews/Bastic) SEE RESOLUTION.

5.3 DEVELOPMENT APPLICATION REPORT - 36 CURTIN CRESCENT, MAROUBRA (SANDS HOTEL). (D/0622/2000)

H31 **RESOLUTION: (White/Bastic) that:**

- A. *Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 622/2000 determined on 17 October 2000 as the increased patronage in the hotel will lead to a decrease in the amenity for the surrounding residents due to the exit of patrons at various hours and the increased noise emanating from the activities being held inside the hotel such as live bands; and given the Court decision handed down today, Council cannot be satisfied that the application is consistent with the current Plan of Management.*

MOTION: (White/Bastic) SEE RESOLUTION.

5.4 DEVELOPMENT APPLICATION REPORT - 25 PARK AVENUE, RANDWICK. (D/0116/2002)

H32 **RESOLUTION: (Notley-Smith/Whitehead) that:**

- A. *Council as the responsible authority **approve** development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.116/2002 for permission to construct a hard stand car space to front of existing dwelling including new gates and stone cladding and paving at 25 Park Avenue, Randwick subject to the following conditions:-*
- 1. The development must be implemented substantially in accordance with the plans numbered DA01 to DA04 issue A, dated October 2001 and received by Council on 13 February 2001, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

- 2. Fencing, gate and retaining walls to the edges of the proposed car space are to match as closely as possible existing fencing to the property, in terms of materials, colour and detailing. The horizontal wire balustrade to the balcony /verandah and stairs are to be replaced with a more sympathetic balustrade design of the same style / period as the existing fence. Details are to be submitted to and approved by Council's Director of Planning & Environment in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued.*
- 3. The new steel gate at the front is to fold in 0.40m sections instead of the 0.80m sections, thereby increasing the length of the car space to a minimum 5.40m in length. Details are to be shown with the construction certificate.*

4. *A width of 0.3m of permeable treatment (soft landscaped/grass areas) are to be provided on both side of the car space area adjacent to the retaining walls to ensure that the development contribute to the setting of the dwelling / streetscape. Pavers 400mm by 400mm or similar size separated by 75mm of gravel or grass are to be used in the hardstand carspace area to reduce the impact of the proposed carspace upon the front yard area of the premises. Plans accompanying the Construction Certificate are to be amended accordingly.*
5. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
6. *Where access is required to adjoining premises for construction purposes, the written consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*

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

7. *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 requirements 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 \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

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

8. *All demolition work is to be carried out in accordance with the provisions of*

AS2601-1991. *The Demolition of Structures, as in force at 1 July, 1993.*

9. *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 available to the Council officers upon request.*
10. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

11. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
12. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.

13. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
14. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
15. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
16. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for*

Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

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

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

18. *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.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike 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.*

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

19. *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 protected to prevent them from being dangerous to life or property, in accordance with clause 78D of the Environmental Planning and Assessment Regulation 1994.*
20. *Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil, must be provided if the soil conditions require it and adequate provisions made for drainage, in accordance with clause 78E of the Environmental Planning and Assessment Regulation 1994.*
21. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must comply with the provisions of clause 78F of the Environmental Planning and Assessment Regulation 1994 – “Support for Neighbouring Buildings”, and*

must:

- *preserve and protect the building from damage; and*
- *if necessary, underpin and support the building in an approved manner; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land and furnish particulars of the excavation to the owner of the building being erected or demolished.*

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

22. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$700.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

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

23. *The applicant must meet the full cost for Council or a Council approved contractor to:*

a. *Construct concrete vehicular crossing and layback at the kerb opposite the vehicular entrance to the site.*

The new driveway shall be located at least 300mm north from the edge of the concrete surround of the Telstra Pit located on the verge immediately to the south of the subject property.

24. *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.*

25. *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:

26. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
27. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
28. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$66.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

29. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

30. *To prevent groundwater/seepage water being discharged onto Park Street, the proposed car space shall be tanked and the surrounding retaining wall designed for a full hydrostatic head. Amended plans showing compliance with these requirements shall be submitted prior to the issuing of a construction certificate, and structural engineering certification that the works have been satisfactorily undertaken shall be submitted to the certifying authority prior to occupation.*

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

31. *That part of the naturestrip upon Council's footway which is damaged during the topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of the Occupation Certificate.*

32. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
33. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, an Accredited Principal Certifying Authority, prior to the issue of the Construction Certificate.

34. *Permission is granted for the selective pruning of overhanging branches from the *Citharexylum spinosum* (Fiddlewood) located within Council's nature strip, in front of No.27 Park Avenue. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

Advisory Conditions

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

MOTION: (Notley-Smith/Whitehead) SEE RESOLUTION.

5.5 DEVELOPMENT APPLICATION REPORT - 139-141 CARRINGTON ROAD, COOGEE. (D/1154/2001)

H33 RESOLUTION: (Tracey/His Worship the Mayor, Cr D. Sullivan) that:

- A. *The Council support the objection under State Environmental Planning Policy No. 1 (SEPP No. 1) in respect to non-compliances with Clauses 32(1) and 33(3) of the Randwick Local Environmental Plan 1998 (relating to wall height) on the grounds that the proposed use complies with the objective of the clause and will not adversely affect the amenity of the surrounding locality, and that the NSW Department of Urban Affairs and Planning be advised accordingly:*
 1. *The proposed departure from the wall height standard results from the proposed lift over run, glass balustrading and centralised roof top stair enclosure only. These building elements do not contribute significantly to the visual bulk and scale of the development nor will they cause any significant additional overshadowing to neighbouring properties.*

2. *The proposal is compatible in bulk and scale with existing two-storey residential development in the street.*
 3. *The use of the rooftop terrace will not have any significant adverse impact upon surrounding residential properties.*
- B. *Council's Manager Development Assessment under delegated authority from the General Manager, as the consent authority, grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning & Assessment Act 1979 (as amended) to Development Application No. 1154/2001 to demolish the existing building on the site and to erect and strata subdivide a two storey, multi unit housing development containing 4 three-bedroom unit dwellings with car parking for 7 vehicles under, associated fencing and landscaping works on properties Nos.139-141 Carrington Road, Coogee, subject to the following conditions:-*

Deferred Commencement Conditions

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

1. *Details of External Colours, Material and Textures*

A schedule, sample board and elevation drawings indicating the proposed colours, materials and textures of the external surfaces of the proposed building and front fencing. The colours, materials and textures are to be compatible with the surrounding area, incorporating natural, subdued colours and materials which minimise solar glare and reflectivity. In this regard, the proposed stark white paint finish to the rendered external wall surfaces of the building and fencing that is indicated in the Sample Board dated and received by Council January 2002 is not acceptable.

2. *Detailed Landscape Plans*

Detailed landscape plans (as required by Condition No.86 of the Development Consent Conditions) incorporating:

- a) *advanced screen planting having a minimum mature height of 5m along the rear (i.e. eastern) boundary and side boundary returns so as to restrict the potential for overlooking of adjoining properties from the proposed rear balconies and terrace areas of the development; and*
- b) *screen planting having a minimum mature height of 4m along the northern side boundary adjacent to the proposed north facing balconies of the building, so as to restrict overlooking of the rear yard area of the adjoining building at No.137 Carrington Road.*

Evidence required to satisfy the above conditions must be submitted to Council within 3 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Amendment Regulation 1998, or the consent will lapse.

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

- 1. The development must be implemented substantially in accordance with the plans comprising 12 sheets prepared by Tuta Design with Drawing Nos.1 to 10 and DA15 and 16-Issues A dated November 2001 and the proposed Strata Plan comprising 3 sheets dated 27 November 2001 and received by Council on 5 December 2001, and on the application form and on any supporting information received with the application, except as may be amended by 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:

- 2. The external colours, materials and finishes of the proposed development and the landscaping plans shall be in accordance with the details and plans submitted to and approved by the Director of Planning & Environment pursuant to the deferred commencement conditions.*
- 3. The perimeter balustrading to the roof top terrace is to be set back a minimum 2.0m from the external walls of the building.*
- 4. Balustrading to all east facing terraces, including the roof top terrace, to be opaque glass.*
- 5. No lighting is to be provided to the roof top terrace of the building.*
- 6. The swimming pool is to be restricted in its use to no later than 9.00pm.*
- 7. There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
- 8. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
- 9. The provision of extra traction control in the driveway.*
- 10. All plumbing and drainage pipes, other than rain water heads, gutters and down pipes, must be concealed within the building.*
- 11. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
- 12. The enclosure of balconies is prohibited by this consent.*
- 13. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
- 14. Internal or external clothes drying facilities are to be provided in accordance with the*

provisions of the Building Code of Australia.

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

15. *Where access is required to adjoining premises for construction purposes, the written consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
16. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
17. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*
18. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
19. *Upon completion of the development and prior to the issuing of any strata subdivision, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*
20. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.*

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

*The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to occupation** of the development or release of the linen plan, as applicable.*

21. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*

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

22. *A formal subdivision application is required to be submitted to and approved by the Council and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.*
23. *The registered proprietor of the land the subject of this consent shall enter into a positive covenant that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.*
24. *Where the plans which are the subject of this consent reserves parking spaces and/or courtyards for the exclusive use and enjoyment to an occupier of the land, the registered proprietor shall enter into a positive covenant that no change will be made to such reservations without the prior approval of Randwick City Council.*

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

25. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

a)	<i>for the provision or improvement of open space</i>	<i>\$5,464.00</i>
b)	<i>for the provision or improvement of community facilities</i>	<i>\$2416.00</i>
c)	<i>Administration fee</i>	<i>\$425.00</i>

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

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

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

In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

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

27. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

A Waste Management Plan is to be submitted to Council and approved by Council's

Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

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

28. *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.*
29. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements 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 \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

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

30. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully

*complied with and incorporated into the plans and specifications for the **construction certificate**.*

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

31. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act, 1989 and Regulations.

32. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works**.*
33. *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.*
34. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
35. *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 available to the Council officers upon request.*
36. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- *Sediment control measures.*

- *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*
37. *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 protected to prevent them from being dangerous to life or property.*
38. *Retaining walls or shoring 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, if the soil conditions require it, and adequate provisions are to be made for drainage.*
- Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.*
39. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
40. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
- a) *car parking and vehicular access*
 - b) *landscaping*
 - c) *stormwater drainage*
 - d) *external finishes and materials*
 - e) *pool fencing*
41. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
42. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has*

been constructed at the approved levels.

43. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
44. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
45. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
46. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
47. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
48. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works.** The site management plan must include the following measures, as applicable to the type of development:*
 - *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management

Plan must be maintained on site and be made available to Council officers upon request.

49. *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.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

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

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

51. *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.*

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

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

The public place adjacent to the work site must be kept lit between sunset and sunrise

if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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

53. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
54. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

55. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.*

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

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

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

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

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

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that

contains the words “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled “Cardio Pulmonary Resuscitation” published by the Australian Resuscitation Council.

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

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

The following conditions are applied to provide adequate provisions for parking to the development:

58. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*

59. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*

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

60. *The following security deposits requirements are 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 - Security damage deposit
- b) \$1000.00 - Vehicular crossing deposit.

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

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

61. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a. *Construct a new heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b. *Remove the redundant section of the concrete vehicular crossing and layback located at the northern end of the site and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c. *Replace the existing damaged footpath with a 1.3m wide concrete footpath (located adjacent to the property boundary) along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - d. *Re-construct the kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points. (Note: full depth, minimum 1 metre wide, road reconstruction shall be undertaken in conjunction with the new kerb and gutter in Carrington Road).**
62. *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.*
63. *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.*
64. *A work zone is to be provided in Carrington Road and details of the work zone location and the prescribed fee for the installation of a "work zone" having a minimum length of 12 metres must be paid to Council at least four (4) weeks prior to the commencement of building works.*

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

65. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must be
 - ***150mm above the top of the kerb at all points opposite the kerb, along the****

full site frontage.

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.

66. *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.*
67. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$331.90 calculated at \$16.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
68. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

69. *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.*
70. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

71. *The applicant shall carry out sufficient geotechnical investigation to determine if the proposed development would have any affect on, or be affected by, the existing groundwater conditions. If the proposed basement car park intersects any groundwater/seepage flows, the basement shall be suitable tanked and waterproofed.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
72. *Engineering calculations and plans with levels reduced to Australian Height Datum*

in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
73. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1*

hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

74. *All site stormwater must be discharged by gravity via a private drainage easement through an adjoining private property (or properties) to the kerb and gutter or drainage system. This condition is required to provide a satisfactory overland flow route should a storm in excess of the above parameters occur.*

Should the applicant demonstrate that all reasonable attempts to procure the private drainage easement referred to in the previous condition have failed, a pump system (or infiltration system subject to Council's requirements and a satisfactory Geotechnical Engineers report) will be permitted. However the detention required must have a minimum factor of safety of 1.5 larger than the volume required for a 1 in 100 year storm event under these circumstances. The pump system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively.

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

75. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.*

76. *A "restriction as to user and positive covenant" must be placed on the title of the subject property prior to the issuing of an occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the

detention system are undertaken without the prior consent (in writing) from Council.

77. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
78. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
79. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

80. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*

- a) *location*
- b) *pipe diameter*
- c) *gradient*
- d) *pipe material ie PVC or EW etc*
- e) *orifice size (if applicable)*

81. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system/absorption system. The sediment/silt arrester pit shall be constructed with:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge*

control pit, product code DS3SDC).

- *A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

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

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

82. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area*
83. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
84. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*
85. *Where feasible, the driveway and exterior paving within the development site shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate to ground (eg Rocla permeable paving)*

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

86. *The Garbage room shall be sized so as to be able to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycling bins).*

It is noted that satisfactory access must be provide to all bins and details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.

87. *The garbage storage area is to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

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

88. *The landscaped areas shown on the landscape plan, dwg no. DA 15, dated Nov 01 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, a certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be*

prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *The landscape plan shall show a minimum number of 6 x 75 litre broad canopied trees (not palms) to be located along the eastern boundary of the site for screening purposes. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
- h. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- i. *Location of easements within the site and upon adjacent sites (if any).*

The landscaping shall be installed in accordance with the approved documentation prior to the issue of an occupation certificate and shall be maintained in accordance with those plans.

89. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

90. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed. Such works shall be installed prior to the issue of the Occupation Certificate.*
91. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
92. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
93. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

The following conditions are imposed to make adequate provisions for tree management

94. *The applicant shall submit a total payment of \$1,105.00 to Council,*
- a. *Being the cost for Council to remove the existing Callistemon species (Bottlebrush) street tree (\$140.00), and*
 - b. *Being the cost for Council to supply and install 1 x 45 litre street tree at the completion of all works (\$145.00), and*
 - c. *To compensate Council for the loss of amenity caused by the removal of the street tree (\$820.00).*

The contribution shall be paid into Account Number 43450030 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for the works to be undertaken.

95. *Approval is granted for the removal of the following trees subject to the planting of 2 x 75 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
 - a. *Two Persea americana (Avocado) located within the rear yard of the site.*
96. *The applicant shall be required to ensure the retention of the frangipani tree on the south east corner of the site.*
97. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*
98. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$4,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
 - a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of Council.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
 - c. *In order to organise for a final inspection for the Occupation Certificate or for the release of the security deposit, the applicant shall contact the Town Planning Department to advise that the site is ready to be inspected. Town Planning will then organise for a final inspection to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

ADVISORY CONDITIONS:

1. *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.*
2. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- | | | |
|-----------|------------------|---|
| <i>a)</i> | <i>Part B1 -</i> | <i>Structural provisions</i> |
| <i>b)</i> | <i>Part C1 -</i> | <i>Fire resistance and stability</i> |
| <i>c)</i> | <i>Part E2 -</i> | <i>Smoke Hazard Management</i> |
| <i>d)</i> | <i>Part E4 -</i> | <i>Emergency lighting, exit signs and warning systems</i> |
| <i>e)</i> | <i>Part F4 -</i> | <i>Light and ventilation, including ventilation of and from the carpark</i> |
| <i>f)</i> | <i>Part F5 -</i> | <i>Sound Transmission and Insulation</i> |
| <i>g)</i> | <i>Part E3 -</i> | <i>Lift Installations</i> |

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

MOTION: (Tracey/His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

(Crs Greenwood & Matson requested that their names be recorded as opposed to the resolution.)

5.6 DEVELOPMENT APPLICATION REPORT - 114 BUNDOCK STREET, RANDWICK. (D/1027/2001)

H34 **RESOLUTION: (Notley-Smith/Whitehead) that:**

Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1027/2001 for Alterations and extensions to the existing garage including a new first floor addition over the garage at 114 Bundock Street, Randwick for the following reasons:-

1. *The proposed double storey outbuilding is excessive in wall height and does not satisfy the relevant preferred solutions and performance requirements of the Development Control Plan – Dwelling Houses and Attached Dual Occupancies.*
2. *The proposed outbuilding will be a bulky and dominant structure and will be out of character with neighbouring development.*
3. *The proposed outbuilding does not meet the relevant preferred solutions and performance requirements relating to side boundary setbacks and together with the excessive external wall height will result in a dominant structure which is excessive in bulk and scale.*

4. *The submitted plans are inconsistent as the elevations do not correspond to the floor plans.*
5. *The excessive wall height of the outbuilding will result in an unnecessary degree of additional overshadowing to adjoining properties.*
6. *The proposed building will set in an undesirable precedent which would make it difficult to restrict excessively scaled outbuildings in the future.*

MOTION: (Notley-Smith/Whitehead) SEE RESOLUTION.

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 23/2002 - DRAFT LOCAL ENVIRONMENTAL PLAN - AMENDMENT NO. 26 FOR 11 CUTHILL STREET, RANDWICK. (98/S/4241)

H35 **RESOLUTION: (Notley-Smith/Whitehead) it is recommended that Council:**

- a) *Endorse the draft Local Environmental Plan Amendment No. 26 permitting the site at No. 11 Cuthill Street, Randwick to be used for the additional purpose of hotel accommodation; and*
- b) *Note that the draft plan will be forwarded to Planning NSW requesting the Minister to make the draft Plan.*

MOTION: (Notley-Smith/Whitehead) SEE RESOLUTION.

6.2 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 24/2002 - EXEMPT AND COMPLYING DEVELOPMENT - DCP AND LEP. (98/S/1540)

H36 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/White) that Council:**

- (a) *Adopt the attached Local Environmental Plan (Amendment No. 25) for Exempt and Complying Development and forward it to Planning NSW under Section 69 of the Environmental Planning and Assessment Act to seek the Minister's approval and gazettal;*
- (b) *Approve the attached Development Control Plan for Exempt and Complying Development, which will commence in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000, after public notification of the LEP gazettal and the DCP commencement date;*
- (c) *Note that the current Development Control Plan for Exempt and Complying Development will be repealed upon public notice of the commencement of the revised Development Control Plan for Exempt and Complying Development; and*
- (d) *Adopt the minor modifications to the draft DCP outlined by the Manager Environmental Health & Building Services at the Health, Building and Planning Committee meeting on 14th May 2002, to rectify the numerical and typographical*

errors and the ambiguities relating to Building Code of Australia provisions and requirements contained within the draft DCP.

MOTION: (His Worship the Mayor, Cr D. Sullivan/White) SEE RESOLUTION.

6.3 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 25/2002 - PROPOSED CONTAINER EXAMINATION FACILITY AT 15 BUMBORAH POINT ROAD (PART LOT 103 DP 805244). (98/S/4588)

H37 **RESOLUTION: (White/His Worship the Mayor, Cr D. Sullivan) that:**

A. *Planning NSW be advised that Council raises no objection to the proposed container examination facility at 15 Bumborah Point Road, Port Botany (Part Lot 103 DP 805244) subject to the following issues being addressed:*

1. *Appropriate consideration being given to the provisions and requirements of Randwick Local Environmental Plan 1998 – Amendment No. 17 Master Plans and the Environmental Planning and Assessment Amendment (Randwick Master Plans) Regulation 2000.*

B. *Planning NSW be advised that in the event the application is approved that the following conditions be included in any consent:*

1. *An Acid Sulfate Soils (ASS) Management Plan is to be prepared prior to any works being carried out in accordance with the ASS Assessment Guidelines as set out in the NSW ASS Manual prepared by the NSW State Govt.*

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:

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

In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

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

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

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 the certifying authority.*

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:

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

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

7. *All works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
8. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
9. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of Work Cover and the Environmental Protection Authority, and with the provisions of:*
 - *Occupational health and Safety Act 1983 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
10. *All site works shall comply with the occupational health and safety requirements of Work Cover NSW.*

Security Deposit Conditions

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

11. *The following security deposits requirements are to be complied with prior to commencement of any site construction works, 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) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

12. *The following vehicular crossing deposit requirement is to be complied with prior to a commencement of site construction works, as security for Council or a Council approved subcontractor to construct the vehicular crossing to the proposed carpark.*

- a) \$2000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

Traffic conditions/Civil Works Conditions

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

13. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a full width heavy duty vehicular crossing opposite the vehicular entrance to the site's carpark area.*
 - b) *Carry out all civil works in Bumborah Point Road as required to link the proposed access road, (located immediately north of the development site), with the road pavement in Bumborah Point Road.*
14. *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.*
15. *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.

16. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level, splayed 1.5 metre by 1.5 metre or suitably setback from the alignment so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details, showing compliance with this requirement, are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
17. *The access driveway off Bumborah Point Road to the staff/visitor carpark be restricted to a left in/left out operation and that the car park be designed to comply with AS 2890.1 Off Street Car Parking.*
18. *The access driveway for the heavy vehicles shall be either located a minimum 50 metres from the Bumborah Point Road/access road intersection or alternatively the applicant shall clearly demonstrate, through the use of turning manoeuvre diagrams, that large vehicles entering/exiting the site will not impede the flow of through traffic in Bumborah Point Road, (i.e the diagrams should demonstrate that all vehicle movements can be undertaken wholly within the proposed access road). The vehicle turning manoeuvre diagrams should be considered and approved of by the certifying authority prior to the commencement of site construction works.*
19. *Prior to occupation the applicant shall have created a suitable right of carriageway over the proposed access road, (located to the north of the development site), in favour of the development site.*

Alignment Level Conditions

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

20. *The design alignment level at the street boundary for driveways, access ramps and pathways or the like, must be 50mm above the top of kerb at all points opposite the along the full site frontage.*
21. *The above alignment levels have been issued by the Council's Department of Asset and Infrastructure Services at a prescribed fee of \$500.00. This amount is to be paid prior to the commencement of any site construction works.*
22. *The design alignment levels and their relationship to the roadway must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary must be strictly adhered to*
23. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level specified. This condition*

has been attached to accommodate future footpath construction at this location.

24. *The proposed internal driveway and landscape area adjacent to Bumborah Point Road shall be designed with a high point 150 mm above the issued alignment levels and in such a manner as to help reduce floodwater from entering the site.*

Service Authority Conditions

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

25. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
26. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
27. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied must be submitted to the certifying authority prior to a commencement of any site construction works.*

Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the construction certificate to see if an electricity substation will be required for the development.

Drainage Conditions

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

28. *Prior to the commencement of any construction works, engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage must be submitted to and approved by Sydney Ports and any certifying authority. The drawings and details shall include the following information:*
 - a. *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1998 edition.*

- b. *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into the existing stormwater system.*
 - c. *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. up to a 1 in 100 year storm) to the proposed drainage system.*
 - d. *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e. *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to the design alignment levels.*
 - f. *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - g. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
 - h. *Exterior hard paved areas shall be constructed with a suitable permeable paving where feasible.*
29. *Prior to any construction works on the development site the following requirements regarding the discharge of site stormwater through Lot 103 DP 805244 shall be complied with:*
- a. *the applicant shall liaise with the owners of Lots 101, 102 and 103 DP 805244 to determine an overall drainage strategy for the areas that presently drain to, and through Lot 103 DP 805244.*
 - b. *stormwater discharge from the development site shall be drained via an underground piped stormwater drainage system, such piped system should be centrally located within a suitable sized private drainage easement located within Lot 103. The pipeline shall be in place prior to the commencement of building works within the site*
 - c. *the pipeline to be constructed within the easement shall be capable of draining a minimum 1 in 20 year storm event.*

- d. *a vee drain shall be formed in the easement to contain and direct any stormwater overflows for up to a 1 in 100 year storm event to the Sydney Port=s canal and/or stormwater system.*
- e. *create or have created, the private drainage easement over Lot 103 DP 805244 as required*
- f. *obtain the written consent from Sydney Ports for the connection into the canal system.*
- g. *create or have created, any required easements over the downstream connection point/s so that the stormwater can be legally drained into Botany Bay.*
- h. *Submit and have approved by Sydney Ports and any certifying authority plans, longitudinal sections, specification and stormwater drainage calculations for any proposed pipelines associated with the development site (including any associated pipelines exterior to the development site).*
30. *A work-as-executed plan prepared and signed by the hydraulic engineer and a registered surveyor must be submitted to Sydney Ports and Council's Director of Asset and Infrastructure Services prior to occupation. The plan shall detail the:-*
- *location of the drainage easement/s, the associated pipelines within the easements including the pipe diameters, invert levels and finished surface levels.*
 - *details of the stormwater drainage pipelines within the development site.*
31. *The applicant shall provide Stormwater Pollution Control device/s (SWPC) over the outlet pipelines that discharge from the site. The SWPCs shall be capable of collection and containment of liquids, sediments and trash and it shall treat all runoff up to the 3 month ARI magnitude for liquid, litter and sediments.*
- The SWPCs shall be constructed with a sign adjacent to this pit stating that:*
- “This Pollution Control pit shall be regularly inspected and cleaned.”*
32. *A 'V' drain is to be constructed along the perimeter of the property to collect all site storm water.*
33. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*

Landscape Conditions

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

34. *The areas to be landscaped shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, a certifying authority, prior to the commencement of work on the site. The landscape drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:*

a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.

b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*

e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*

f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the*

existing and proposed groundlines, building elevations and mature height of proposed planting.

- h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species.*
- i. Location of easements within the site and upon adjacent sites (if any).*

The landscaping shall be installed in accordance with the approved documentation prior to occupation and shall be maintained in accordance with those plans.

- 35. To ensure satisfactory maintenance of the landscaped areas, an irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

- 36. Screen planting shall be undertaken around any substation required. The aim of the planting shall be to soften/minimise the impact of the substation on the streetscape. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 37. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed. Such works shall be installed prior to the issue of the Occupation Certificate.*
- 38. The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

- C. Delegated authority be given to the Acting Director Planning and Environment to respond to Planning NSW in relation to submissions on the proposed development forwarded by Planning NSW to Council.*

Advisory Conditions

- 1. 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.*
- 2. 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.*

3. *Clearing of vegetation, including weeds, should avoid nesting times of resident native bird species, as far as practicable.*
4. *All native trees and shrubs (except Acacia saligna) over two metres high, which occur in the two areas identified above, should be retained.*
5. *Some native tree and shrub planting should occur on the northern and southern boundaries of the site in a way that provides habitat (food, shelter, movement) for local native bird and lizard species.*
6. *The species identified in Attachment 1 of the development application submission should be used for boundary landscaping and possible internal landscaping, in order to avoid cross-pollination with species in nearby bushland and to provide habitat for native fauna.*
7. *No species should be used in landscaping, which may spread within or outside the site at any time in the future.*
8. *All weeds on the site should be controlled during the course of the development.*
9. *All landscaped areas should be designed to minimise the potential for future weed infestation.*
10. *Resources should be set aside for adequate long term weed control of the whole site, especially landscaped areas.*

MOTION: (White/His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.42 p.m.

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CHAIRPERSON