

**MINUTES OF ORDINARY COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 26TH NOVEMBER, 2002 AT 6.21 P.M.**

PRESENT:

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

Councillor M. Daley (South Ward) (Deputy Mayor)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews (from 6.38 pm until 10.26 pm)
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic (from 8.25 pm), T. Seng and A. Andrews

OFFICERS PRESENT:

Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Acting Manager Environmental Planning	Ms. K. Armstrong.
Tree Management Officer	Mr. B. Bourke.
Assets Co-ordinator	Mr. J. Earls.

1. COUNCIL PRAYER

The Council Prayer was read by His Worship the Mayor, Cr D. Sullivan.

2. APOLOGY.

An apology was received from Cr White.

RESOLVED: (Procopiadis/Tracey) that the apology be received and accepted and leave of absence be granted to Cr White from the Ordinary Council Meeting held on Tuesday, 26th November, 2002.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 22ND OCTOBER, 2002.**

278 **RESOLUTION:** (*Backes/Seng*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd October, 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: (**His Worship the Mayor, Cr D. Sullivan/Daley**) that the meeting be adjourned at 6.22 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Chris Alexandrou, 18 Cottenham Avenue, Kensington on Item 9.1, Director Planning & Community Development's Report 85/2002 - Kensington Town Centre - Draft Local Environmental Plan (Amendment No. 27) and Draft Development Control Plan 2002.
2. Mr Hosny Guirguis, 3A Bowral St, Kensington on Item 9.1, Director Planning & Community Development's Report 85/2002 - Kensington Town Centre - Draft Local Environmental Plan (Amendment No. 27) and Draft Development Control Plan 2002.
3. Mr Robert Brenac, 4 Cottenham Avenue, Kensington on Item 9.1, Director Planning & Community Development's Report 85/2002 - Kensington Town Centre - Draft Local Environmental Plan (Amendment No. 27) and Draft Development Control Plan 2002.
4. Mr Richard Francis-Jones, 4/261 George Street, Sydney on Item 9.2, Director Planning & Community Development's Report 86/2002 - Doncaster Village Master Plan 240 - 268 Anzac Parade & 101-105 Doncaster Avenue, Kensington.
5. Mr Robert Wilson, 202 Doncaster Avenue, Kensington on Item 9.2, Director Planning & Community Development's Report 86/2002 - Doncaster Village Master Plan 240 - 268 Anzac Parade & 101-105 Doncaster Avenue, Kensington.
6. Mr Mark Keevers, 2 Scott Street, Maroubra on Item 9.5, Director Planning & Community Development's Report 89/2002 - DCP - Dwelling Houses & Attached Dual Occupancies, Solar Access, Energy Efficiency & Carparking.
7. Mr Peter Fagan, 3 Douglas Street, Randwick on Item 9.9, Director Planning & Community Development's Report 93/2002 - 1 Dove Lane, Randwick.
8. Mr Eugene Shaw, 138 Military Road, Dover Heights on Item 9.9, Director Planning & Community Development's Report 93/2002 - 1 Dove Lane, Randwick.
9. Mr Sofoclis Michael, 22 Brook Street, Coogee on Item 9.10, Director Planning & Community Development's Report 94/2002 - 210-212 Clovelly Road, Randwick.
10. Mr Anthony Rowan, 50 Village High Road, Vaucluse on Item 9.10, Director Planning & Community Development's Report 94/2002 - 210-212 Clovelly Road, Randwick.
11. Mr Mark Keevers, 2 Scott Street, Maroubra on Item 9.11, Director Planning & Community Development's Report 95/2002 - 567 Malabar Road Maroubra.
12. Mr Michael Garnett, 567 Malabar Road, Maroubra on Item 9.11, Director Planning & Community Development's Report 95/2002 - 567 Malabar Road Maroubra.
13. Mr Tom Taylor, 15A Gray Street, Kogarah on Item 9.12, Director Planning & Community Development's Report 96/2002 - 22 Gregory Street, South Coogee.
14. Mr Con Hairis, 63 Anne Street, Surry Hills on Item 9.12, Director Planning & Community Development's Report 96/2002 - 22 Gregory Street, South Coogee.
15. Mr Steve Davies, 6 George Street, Randwick on Item 11.6, Notice of Motion by Councillor Matson – Response to Community Concern over Recent Street Tree Removals in George Street.

The meeting was further adjourned at 7.50 p.m. and was resumed at 8.25 p.m. with Councillor Bastic in attendance.

5. MAYORAL MINUTES.

5.1 MAYOR'S MINUTE 77/2002 - WAIVING OF FEES-SOUTH MAROUBRA VILLAGE GREEN CAROLS BY CANDELIGHT (98/S/1720)

279 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/)* that Council vote \$1,209.70 to cover the fees associated with the event and funds be allocated from the Councillor Requested Works Vote.

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

5.2 MAYOR'S MINUTE 78/2002 - WAIVING OF FEES - SURF LIFE SAVING AUSTRALIA (98/S/1411 xr 98/S/1137 xr 98/S/1318)

280 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/)* that Council vote \$1,869.00 to cover the fees associated with all four (4) carnivals and funds be allocated from the Councillor Requested Works Vote.

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

5.3 MAYOR'S MINUTE 80/2002 – DECORATIVE LIGHTING OF SELECTED PUBLIC PLACES. (98/S/2855)

281 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/)* that the quotation from David Felgar Design in the amount of \$13,540.00 for the installation of decorative lighting to the Town Hall Avoca Street facade in accordance with the quotation received 25th November, 2002 be accepted and that funds for the works be allocated from the Councillor Requested Works Vote.

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

5.4 MAYOR'S MINUTE 81/2002 - BUSH FIRE HAZARD REDUCTION ON COMMONWEALTH RIFLE RANGE. (98/S/1706)

(Note: Item 11.2, Motion Pursuant to Notice by Councillor Matthews was dealt with in conjunction with this item.)

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

- (a) *the Mayor write to the Federal Minister for Finance and Administration, as a matter of urgency, requesting that the draft Eastern Suburbs District Bushfire Risk Management Plan be implemented in order that any bushfire risk be eliminated or reduced to an acceptable level; and*
- (b) *the Mayor write to Mr Phil Kopenberg, Commissioner of NSW Rural Fire Services, to ascertain whether Mr Kopenberg has been successful in securing a liaison between the Risk Management Inspectorate of his Service and the relevant Commonwealth representative.*

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

AMENDMENT: (Matthews/Schick) that the recommendation contained in the Mayor's Minute No. 81/2002 be adopted, subject to the deletion of the words "or reduced to an acceptable level". **LOST.**

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 20/2002 - PRESENTATION - FINANCIAL REPORTS- YEAR ENDED 30 JUNE 2002. (98/S/0043)

283 **RESOLUTION: (Bastic/Andrews)** that the General Manager's Report 20/2002, together with the Financial Reports for the year ended 30 June 2002, be received and noted.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

6.2 GENERAL MANAGER'S REPORT 21/2002 - 2002/2003 BUDGET - REVIEW AS AT 30 SEPTEMBER 2002 (98/S/4403)

284 **RESOLUTION: (Daley/Bastic)** that:

- (a) the General Manager's Report 21/2002 September 2002 in relation to budget review be received and noted; and
- (b) the budget variations referred in paragraph (b) in the General Manager's Report be adopted.

MOTION: (Daley/Bastic) SEE RESOLUTION.

6.3 GENERAL MANAGER'S REPORT 22/2002 - SEPTEMBER 2002 QUARTER REVIEW - 2002/04 MANAGEMENT PLAN. (98/S/0555)

285 **RESOLUTION: (Bastic/Andrews)** that the information contained in the General Manager's Report 22/2002 on the September Quarter Review – 2002/2005 Management Plan be received and noted.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

6.4 GENERAL MANAGER'S REPORT 23/2002 - AFFIXING OF COUNCIL'S SEAL (D/0223/2002 xr P/001615 xr 98/S/1165)

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

- (a) Council's Seal be affixed to the licence agreements between Council and
 - i. Gay Marie Carnegie for the purpose of outdoor dining at 34-38 Belmore Road, Randwick; and
 - ii. Eli Lees for the purpose of outdoor dining at 135-137 Dolphin Street Coogee.
- (b) Council's Seal be affixed to the Deed of Agreement between Council and Randwick Petersham Cricket Club for the purpose of the management of the maintenance of the cricket wickets at Kensington, Snape and Coogee Ovals and their outfields.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 132/2002 - COOGEE LADIES BATHS (MCIVERS BATHS) - LANDSCAPE MASTER PLAN AND STAGE 1 WORKS (98/S/1032)

287 **RESOLUTION:** (*Backes/Notley-Smith*) that:

- (a) *the Ladies' Baths Landscape Master Plan be exhibited at the baths for public comment;*
- (b) *subject to receipt of submissions, Council adopt the Randwick Coogee Ladies' Baths Landscape Master Plan (Att 1) and Stage 1 works drawing (Att 2) as the guiding documents for capital works improvements to the Baths; and*
- (c) *Council provide an amount of \$85 000 in the 2002/2003 Budget to complete the Stage 1 priority landscape works and this be funded from the Councillors' Requested Works (Bids) Vote.*

MOTION: (*Backes/Notley-Smith*) SEE RESOLUTION.

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 133/2002 - TENDER 6/02 SUPPLY OF OUT FRONT MOWERS. (98/S/4566)

288 **RESOLUTION:** (*Bastic/Andrews*) that Council resolve to purchase four (4) only Toro 328D Out front mowers from Macarthur Mowers for the sum of \$130,396 including GST and that the existing units be sold at public auction.

MOTION: (*Bastic/Andrews*) SEE RESOLUTION.

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 134/2002 - CONSTRUCTION OF THE MAROUBRA BEACH PLAY AREA AND PARKLAND TENDER - 10/02. (98/S/4606 PT 2)

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

- (a) *Council accept the tender submitted by TCL Contracting Pty Ltd of 1 Gregory Street, Ermington for the Construction of the Play Area and Parkland Maroubra Beach works, for the Lump Sum amount of \$ \$448 711.72 excluding GST;*
- (b) *that the commencement date for the project be in early February 2003;*
- (c) *the unsuccessful tenderers are notified of the tender result; and*
- (d) *the Mayor and General Manager be authorised to sign as necessary, contract and other documents pertaining to the scope of works and that Council's Seal be affixed as required.*

MOTION: (*Bastic/Andrews*) SEE RESOLUTION.

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 135/2002 - FREQUENCY OF CLEANING COUNCIL'S TOILETS. (98/S/0178 xr 98/S/0707)

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

- (a) Council note that the cleaning the City's toilets are to or exceed the frequency requirements stated in Council's cleaning specifications (Aus-Spec-6B).
- (b) Graffiti be removed regularly to assist in allaying the perception that toilets are not cleaned regularly; and
- (c) a new specification, schedule and training manual be drawn up by the Asset & Infrastructure Services Department and that it be implemented.

MOTION: (Andrews/Bastic) SEE RESOLUTION.

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 136/2002 - REVISED STREET TREE MASTER PLAN. (98/S/4688)

291 **RESOLUTION: (Whitehead/Matson) that Randwick City Council adopts the Randwick Street Tree Master Plan, subject to the following alterations being incorporated into the Plan:**

- (a) *Elaeocarpus reticulatus* and *stenocarpus sinuatus* be included in the Remnant Dune Structure Precinct;
- (b) *Hymenosporum flavum* to be deleted from the northern side of Fitzgerald Avenue and replaced with *Cupaniopsis anacardioides*;
- (c) common names to be included in species lists in all precincts;
- (d) captions to be inserted under all photographs in Masterplan indicating common names;
- (e) distance for planting at road intersections on opposite side to traffic flow is to be increased to 10 metres (arterial and sub-arterial roads) and 7 metres (collector and local roads) respectively; and
- (f) distance for planting adjacent to driveways (passenger preferred side) is to be increased to 4 metres.

MOTION: (Whitehead/Matson) SEE RESOLUTION.

7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 137/2002 - AGGRESSIVE-ROOTED STREET TREE STRATEGY. (98/S/1847 xr 98/S/4689)

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

- (a) Randwick City Council adopts a ten-year program to remove all *Ficus microcarpa* var. *Hillii*, *Melaleuca quinquenervia*, *Casuarina glauca* and *Harpephyllum caffrum* street tree assets where specimens of such trees, are or will be, in the foreseeable future, responsible for serious and ongoing damage to public and/or private infrastructure, or present a hazard to the safety of the public, then those trees be replaced with more appropriate tree species, as per Council's Street Tree Master Plan; and
- (b) All tree removals be supported by a streetscape management strategy that incorporates staged removal and replacement and that at least one (1) month's prior

notification of removals be given, according to Council's public notification policy.

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

7.7 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 138/2002 - BOWEN LIBRARY - ALTERATIONS AND ADDITIONS. (98/S/4519)

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

- (a) Council accept the Tender of Beach Constructions Pty Ltd for the (adjusted) Tender price of \$1,806,248 (ex. GST);
- (b) Funds from the following sources be allocated to the Project; and

ITEM	FUNDS AVAILABLE	AMOUNT (EX. GST)
		\$
1	Grant: Department of Aging & Disability	673,052
2	Section 94 contributions	525,000
3	2002/03 Budget	489,972
4	Reserve for Future Works	411,976
	TOTAL AVAILABLE FUNDS	\$2,100,000

- (c) Council amend the Section 94 Contributions Plan to reflect the current Project cost of \$2.1M (ex. GST).

MOTION: (Bastic/Andrews) SEE RESOLUTION.

7.8 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 139/2002 - TENDER 16/2002 - CONCRETE AND ASPHALT GRINDING WORKS. (98/S/2435)

294 **RESOLUTION: (Schick/Procopiadis) that:**

- (a) Council accept the Tender submitted by the Australian Grinding Company Pty Ltd for Concrete and Asphalt Grinding Works; and
- (b) the Mayor and General Manager or their delegated representative be authorised to enter into an agreement for preferred supplier status with the successful tenderer for a period of 2 years with the option of extending the period of the agreement for a further 1 year.

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

7.9 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 140/2002 - DEPARTMENT OF LAND AND WATER CONSERVATION FUNDING FOR MAROUBRA BEACH PLAN OF MANAGEMENT WORKS STAGE 5 AND CLOVELLY PROMENADES NORTH SIDE REPAIR FOR THE 2002/2003 FINANCIAL YEAR (98/S/2579 xr 98/S/4102)

295 **RESOLUTION:** *(Bastic/Andrews) that the Director Asset & Infrastructure Services' Report 140/2002 be noted and \$540,000 be put in reserve for the funding of the Clovelly promenade replacement in the 2003/2004 budget.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

7.10 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 141/2002 - NATIONAL BLACKSPOT PROGRAMME 2002-2003. (98/S/1257)

296 **RESOLUTION:** *(Procopiadis/Andrews) that Council accept the National Black Spot Programme funding for 2002-2003 for the installation of pedestrian kerb extensions in Maroubra Road at Flower Street, Maroubra in the amount of \$30,000; and for the installation of a roundabout and resurfacing of the intersection of Doncaster Avenue at Ascot Street, Randwick in the amount of \$100,000.*

MOTION: (Procopiadis/Andrews) SEE RESOLUTION.

8. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORTS.

8.1 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 40/2002 - ARRANGEMENTS DURING CHRISTMAS/NEW YEAR PERIOD FOR DECISIONS TO BE MADE BY COUNCIL AND SCHEDULE OF MEETINGS FOR YEAR 2003. (98/S/1738 xr 98/S/1078)

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

(a) *the Council recess following its Ordinary Meeting on Tuesday, 10th December, 2002 and thence resume meetings in the new year commencing with Committee Meetings on Tuesday, 11th February, 2003, and during this period the provisions of Policy No. 1.01.11 prevail, subject to the need for any Extraordinary Meetings to be held in the intervening period to consider pressing matters; and*

(b) *the Meeting Schedule for the Year 2003 be adopted.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

8.2 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 41/2002 - FIXING OF FEES AND CHARGES - DES RENFORD AQUATIC CENTRE AND PARKING METERS AT COOGEE. (98/S/0999)

(Cr Matson declared an interest in this item as his child attends the pool and fees are paid and he left the Chamber and took no part in the discussion or voting on the matter.)

298 **RESOLUTION: (Daley/Bastic)** that the proposed fees and charges for the Des Renford Aquatic Centre and the metered parking fees at Coogee be adopted.

MOTION: (Daley/Bastic) SEE RESOLUTION.

9. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

**9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
85/2002 - KENSINGTON TOWN CENTRE - DRAFT LOCAL
ENVIRONMENTAL PLAN (AMENDMENT NO. 27) AND DRAFT
DEVELOPMENT CONTROL PLAN 2002. (98/S/4343 xr 98/S/3849 xr
98/S/3784)**

299 **RESOLUTION: (Procopiadis/Daley)** that Council:

- (a) *endorse the draft Local Environmental Plan 1998 (Amendment No 27) for Kensington Town Centre and agree to forward the draft LEP to the Minister for Planning requesting that the draft LEP be made;*
- (b) *adopt the draft Development Control Plan 2002 for Kensington Town Centre, to commence in accordance with the requirements of the Act and Regulation upon public notification of the LEP gazettal and DCP commencement date;*
- (c) *agree that the Director, Planning and Community Development may make minor modifications to rectify any numerical, typographical and formatting errors if required, in the finalisation of the DCP; and*
- (d) *in light of (a) to (d) above, agree that a public hearing under S68 of the Act is not required.*
- (e) *insert additional performance criteria – point (ix) under 4.6.9 (a) Habitable roof space, (p 99) “submit perspectives prepared by a suitably qualified person (architect, town planner, etc) showing front and rear elevations of the development viewed from the ground level across the street at the frontage and at least 30 metres from the building footprint at the rear, to provide clarification that any habitable roof space does not appear as an additional storey”.*

“These perspectives should be computer generated and submitted in disc form to enable Council to check accuracy”.

- (f) *in respect to DCP Site Analysis (4.1.2 – pg 16) requirement for “a model, montage or perspective (under criteria – iii)*

if habitable roof space is proposed, then 4.1.2 and 4.6.9 also be amended to require:

“Submit a model and montage and perspectives for any development proposing habitable roof space”.

MOTION: (Procopiadis/Daley) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that the recommendation in the Director of Planning & Community Development's Report 85/2002 be adopted, subject to at the end of

part (b) of the recommendation insert the following words “with the following amendment that the appropriate envelope dealing with the bulk form on the corner of Anzac Parade and Bowral Street be amended to incorporate a stepping down to its abutment with the Coptic Church property in Bowral Street”. **LOST.**

**9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
86/2002 - DONCASTER VILLAGE MASTER PLAN 240 - 268 ANZAC
PARADE AND 101 - 105 DONCASTER AVENUE, KENSINGTON. (98/S/3815
& 98/S/4330)**

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

A *Council adopt the Master Plan for Lot 100 in DP 595570 and Lot 103 in DP 1005785 known as 240-268 Anzac Parade, Kensington and Lots A, B and C in DP 439857 known as 105,103 and 101 Doncaster Avenue, Kensington, subject to the following variations and/or requirements:*

1. *The edges of the public square to the south of the site are to be revised to incorporate active uses and improve surveillance to this space. Included in any revision is the movement of the driveway to the drive through bottle shop away from the northeastern edge of this open space.*
2. *The Master Plan is to incorporate a provision that the units within the development be predominantly single loaded, and have dual orientation.*
3. *A restriction on title ensuring 24 hour public access to the public thoroughfare between Anzac Parade and Doncaster Avenue is to be provided. Details of public domain lighting are to be submitted with any development applications for consideration by Council.*
4. *Street planting to both Anzac Parade and Doncaster Avenue and public domain improvements are to be included in any future development of the site.*
5. *No residential uses are to be provided at street level. The two dwellings indicated at the Doncaster Avenue frontage of the site are to be relocated or deleted to ensure amenity to these units and an active streetscape to Doncaster Avenue.*
6. *Floor to Ceiling heights are to be stated in the Master Plan document being at least the minimum required by the adopted Kensington Town Centre DCP.*
7. *The floor levels, number of storeys and building façade heights are to be in accordance with the adopted Kensington Town Centre DCP. Any references to the “Mezzanine” level, and any reference to the number of storeys be deleted from the revised Master Plan document submitted to Council.*
8. *A separation of nine (9) metres is to be provided between either the southern boundary of the site or the northernmost building on the Doncaster Hotel site (if site amalgamation can be achieved) and the base of the development. The separation is to be provided to a height that achieves a good proportion and results in an open and welcoming entry to the public open space that reinforces the existing street hierarchy in the Kensington Town Centre.*

9. *Bicycle facilities are to be indicated in the Master Plan, both at street level for building visitors and within basement carparking areas for residents.*
10. *All references to the Floor Space Ratio of future development are to be removed from the Master Plan. The revised document is to incorporate a specific requirement for a building articulation zone of up to 2.5 metres in depth and specify that a reasonable volume to occupy in the building envelope is 75-80% as suggested by the Residential Flat Design Code.*
11. *The right of carriageway from the northern boundary of the site to Darling Street is to be preserved allowing for two-way traffic. The Master Plan is to expressly state the preservation of this encumbrance in favour of properties on Anzac Parade and Darling Street.*
12. *Details of the junction between the private communal open space and the public open space to the south of the site are to be suggested in the Master Plan document to ensure the privacy and security of the central private open space. Further details of the minimum and maximum height of terraces and any fencing that may be required should be submitted to ensure the amenity for residents of any future development.*
13. *The master plan is to stipulate that native species are preferred for all landscaping treatments in future development.*
14. *The master plan is to clearly articulate that all future development is to be in accordance with ESD principles.*
15. *A minimum 90% of all units are to be provided with private open space to the minimum dimensions stipulated in the adopted Kensington DCP.*
16. *Diagrams shown on page 42 of the Draft Master Plan document are to reflect the residential uses indicated to the edge of the private communal open space. Active uses are to be shown adjacent to the public open space consistent with Recommendation 1. Amended diagrams are to be included in the revised Master Plan document to be submitted to Council.*
17. *The reference to “Supermarket/Carparking” on page 47 of the Draft Master Plan document is to be deleted in favour of “Carparking” to remove confusion as to the proposed uses under the Master Plan. This amendment is to be included in a revised document to Council.*
18. *The Master Plan is to require that the design of the buildings is to incorporate articulation, modulation, fenestration and external detailing in the facades addressing street frontages and the common open space areas within the site, so as to reduce the apparent bulk of the buildings, provide visual interest, and encourage casual surveillance of public areas.*
19. *The Master Plan is to require the compliance with the objectives and performance criteria of Council’s adopted Kensington Town Centre DCP, except where amended by the Master Plan document.*

20. *An acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and submitted with the Development Application. This report is to indicate compliance with the performance criteria as outlined in the Councils "Kensington Town Centre" DCP. In particular Development and Design Controls – Buildings Interior: Acoustic privacy. At the completion of the construction, an acoustic report demonstrating compliance is to be prepared by a suitably qualified consultant and submitted to the principal certifying authority.*
21. *A Detailed Site Contamination Report and a Remedial Action Plan is to be prepared by a suitably qualified environmental consultant in accordance with the relevant guidelines and Councils Contaminated Lands Policy. This information is to be submitted and approved by the Council prior to a development consent being granted.*

The matters listed below require consideration in future development applications.

22. *Car parking is to be provided on site in accordance with Council's DCP - Parking. (Advisory note - tandem parking and layouts with parallel parking on the opposite side of an aisle from angled parking are not supported).*
23. *It is noted that the INTANAL traffic analysing program was used by the traffic consultant for modelling of the various intersections around the subject site. However, the Committee believes SCATES would provide more accurate modelling of the signalised intersections that will be impacted on by traffic generated by the subject development.*

Due to the relative small traffic generation by the subject development, the RTA is willing to accept the INTANAL figures provided, noting that the RTA has since analysed the intersection performances utilising the SCATES program. Therefore the applicant is not required to submit further figures using SCATES.

However, the consultant is to note for future applications in which the development will generate traffic that impact on signal controlled intersections, the RTA would recommend and prefer figures achieved through SCATES analysis to be submitted with the DA. The submission of SCATES figures with the initial application will help speed up the DA process as it alleviates the need for the consultant to go back, reanalyse and re-submit the figures to the RTA for evaluation.

24. *All access to and from the site is to be off Doncaster Avenue and/or Darling Street. No access is allowed off Anzac Parade.*
25. *Provision of secure bicycle parking on site to encourage the use of bicycles as a means of transport.*
26. *The number of off-street spaces must be to Council's satisfaction. All driveway ramp grades, aisle widths, parking bay sizes to conform to current Australian Standards AS 2890.1 – 1993 and AS 2890.2 – 1989. Internal road design layout and vehicle manoeuvring areas to Council's satisfaction.*
27. *Driveways must be able to cater for the largest vehicle likely to use the site.*
28. *Council to place appropriate no parking restrictions at the frontages of the development. This is to be at not cost to the RTA.*

29. *Installation of extra pavement arrows with the proposed development clearly showing all vehicle movements on the site should be installed.*
30. *All loading/unloading facilities and truck manoeuvring areas to Council's satisfaction. Vehicles loading/unloading from the streets are considered unsatisfactory. All vehicles including trucks must be able to enter and leave the site in a forward direction.*
31. *The use of landscaping should not effect driver sight distance to see other vehicles/pedestrians/children etc for vehicles entering, exiting and manoeuvrability throughout the site. The use of low growing shrubs and vegetation around driveways is recommended.*
32. *No advertising signage associated with this development is to replicate RTA regulatory signposting by style, colour or creed.*
33. *All works associated with this development are at no cost to the RTA*
34. *The following stormwater issues will need to be addressed and submitted to Council before any development application can be fully assessed by the Director of Asset and Infrastructure Services:-*

(a) Stormwater Flood Study

The 1 in 100 year flood levels in Doncaster Avenue and Anzac Parade shall be determined with the pond system within Centennial Park full. The applicant's engineer should liase with John Gann from the PWD for the determination of the flow stormwater within the trunk stormwater pipeline and the overflow in Doncaster Ave.

Notes:

- The driveway crest/s (and any vents windows opens etc) to the basement car park should be a minimum of 150 mm above the adjacent stormwater level.*
- The bottleshop floor should be a minimum of 300 mm above the adjacent stormwater level.*
- allowance should be made for part of the overland flow in Doncaster Avenue to be directed down Ascot Street and Todman Avenue to Anzac Parade.*
- Plans showing the location of the longitudinal and cross-sections for the "HEC RAS" computer modelling.*
- All input and output data files on a floppy disk for the determination of the "RAFTS" and "HEC RAS" computer modelling flood study. Note a hard (paper) copy is also required of the data input and output files for the "RAFTS" computer model for Council records.*
- A plan of the total catchment area that shows the quantity of stormwater during a 1 in 100 year storm in the culverts system and the overland flow routes*
- The applicant shall bear all costs for Council to obtain the services of a hydraulic engineer to check the stormwater study as: -*

- *the submitted stormwater study has been completed using the “RAFTS” computer model.*
- *Council does not have the associated computer software nor are staff suitably experienced to check the submitted “RAFTS” study.*
- *The plans to be amended to show the stormwater culvert reconnected to the existing box culvert (located to the south of Anzac Parade) via a suitable radius.*

(b) Ground Water

Any development application lodged with Council is to be referred to the Department of Land & Water Conservation for comments and shall detail the following:

- *Plans and details (determined by a geotechnical engineer’s) indicating the proposed method of reinjection of the water to the ground water. Note that:*
 - *any recharge ground wells should be located within the site and not within the Council road reserve.*
 - *the geotechnical engineer shall demonstrate that any proposed injection of groundwater will not adversely affect the road or footpath pavements.*
 - *assessment on the impact of dewatering on the adjacent sites.*
- *Geotechnical Engineers calculations to demonstrate adequate provision has been made for the ground water to drain under or through the basement carpark (to ensure that the basement will not dam, raise or slow the movement of the ground water through the development site). Note that the Geotechnical Engineers is to assume that other sites will eventually construct a similar basement car park.*
- *Bore logs to including the location of the water table.*

B. The applicant is to provide an amended Master Plan document, incorporating the variations listed above, prior to lodgement of any development application. The required changes to the Master Plan shall include new and reworded principles, revised diagrams, and reworked development concepts to the appropriate sections in the Master Plan.

ADVISORY NOTE

A1. Consideration to the variation of the RL 38.8 control for the base levels of the building contained in the adopted DCP will be subject to documentation that proves the adequacy of any scheme in terms of issues such as heritage, flooding etc. Any application wishing to vary this control will also need to demonstrate compliance with the desired façade proportions of 5:8 under the adopted DCP. These materials will be required to justify any development application that does not meet the RL 38.8 level at the top of the building ‘base’.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

9.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 87/2002 - MOVERLY CHILDREN'S CENTRE FEE INCREASE. (98/S/0085)

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

- (a) *Council place the proposed 2003 fee structure on Public Exhibition for a period of 28 days and consider any submissions prior to implementation of the proposed new fees; and*
- (b) *in the event that no public submissions are received, the fees at the Moverly Children's Centre increase to \$46 per day for children aged 3 to 5 years and to \$48 per day for children aged 0 to 3 years, with effect from the Centre's re-opening on 7th January 2003.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 88/2002 - DRAFT LOCAL ENVIRONMENTAL PLAN AND DRAFT DEVELOPMENT CONTROL PLAN - PUBLIC NOTIFICATION OF DEVELOPMENT PROPOSALS AND COUNCIL PLANS. (98/S/3397)

302 **RESOLUTION: (Bastic/Andrews) that Council:**

- (a) *endorse the attached draft Randwick LEP 1998 (Amendment No. 21) and forward the draft LEP to Planning NSW under Section 69 of the Environmental Planning and Assessment Act to seek the Minister's approval to make the draft plan;*
- (b) *adopt the Development Control Plan for Public Notification of Development Proposals and Council Plans, to commence in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000, after public notification of both the LEP gazettal and the DCP commencement date; and*
- (c) *agree that the Director, Planning and Community Development, may make minor modifications to rectify any numerical, typographical and formatting errors if required, in the finalisation of the DCP.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

9.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 89/2002 - DCP - DWELLING HOUSES AND ATTACHED DUAL OCCUPANCIES, SOLAR ACCESS, ENERGY EFFICIENCY AND CARPARKING. (98/S/0897)

303 **RESOLUTION: (Bastic/Daley) that Council:**

- (a) *approve amendments to the DCP for dwelling Houses and Attached Dual Occupancies relating to solar access, energy efficiency and carparking which will commence in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation 2000 after public notification of the commencement date; and*
- (b) *the current Development Control Plan for Dwelling Houses and Attached Dual Occupancies, sections relating to solar access, energy efficiency and carparking, will be repealed upon public notice of the commencement of the revised Development Control Plan for Dwelling Houses and Attached Dual Occupancies.*

MOTION: (Matson/Greenwood) that Council:

- (a) approve amendments to the DCP for dwelling Houses and Attached Dual Occupancies relating to solar access, energy efficiency and carparking which will commence in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation 2000 after public notification of the commencement date;
- (b) the current Development Control Plan for Dwelling Houses and Attached Dual Occupancies, sections relating to solar access, energy efficiency and carparking, will be repealed upon public notice of the commencement of the revised Development Control Plan for Dwelling Houses and Attached Dual Occupancies;
- (c) the performance requirements of Section 3.1.2; Clause P9 be modified to read “North facing windows to any habitable rooms of neighbouring dwellings receive at least 3 hours of sunlight over at least half of their surface between 9.00 a.m. and 3.00 p.m. on 21st June; and
- (d) the provision of elevation shadow diagrams be made a mandatory part of the application process. **LOST.**

FURTHER MOTION: (Bastic/Daley) SEE RESOLUTION.

**9.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
90/2002 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION (98/S/0018)**

304 **RESOLUTION: (Bastic/Andrews)** that authority be granted for the Council's Common Seal to be affixed to the Service Agreement with NSW Department of Community Services and ancillary documents.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

**9.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
91/2002 - AFFIXING COUNCIL SEAL TO REGIONAL HOUSING
COORDINATOR (RHC) FUNDING AGREEMENT. (98/S/2424)**

305 **RESOLUTION: (Bastic/Andrews)** that Council grant authority for the Council's Common Seal to be affixed to the Local Government Housing Initiatives Program Funding Agreement, between Randwick Council (alongside Botany City Council, Marrickville Council, South Sydney City Council, and Waverley Council) and the Director General of the Department of Planning.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

**9.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
92/2002 - 239 CLOVELLY RD CLOVELLY. (D/0285/2002)**

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

- (a) Council's Team Leader/Manager Development Assessment under delegated authority from the General Manager, as the consent authority, grant its consent under Section

96 of the Environmental Planning and Assessment Act 1979 (as amended) to vary condition of Development Consent No. 285/02 'A' for permission to erect a new double garage with attic storage for 239 Clovelly Road Clovelly as follows:-

Vary Condition No. 1 to read

- “1. The development must be implemented substantially in accordance with the plans unnumbered, dated 2/4/02 and received by Council on 4/4/02, the application form and on any supporting information received with the application, except as may be amended by the sketch unnumbered, dated 13/9/02 and received 26/9/02 the following conditions and as may be shown in red on the attached plans”.

Add Condition No. 30

30. The proposed wet area within the garage shall be reconfigured so that the car space to the western side of the garage will achieve a length of 5.5m in accordance with the preferred dimensions contained within Council's Development Control Plan- Parking.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

**9.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
93/2002 - 1 DOVE LANE, RANDWICK (D/0560/2002)**

307 **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 Clause 32(1) 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 clause and will not adversely affect the amenity of the surrounding locality and that Planning NSW be advised accordingly.

AND

- B. Council as the responsible authority grant its development consent under Section 80(3) (Deferred Commencement) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0560/02 for construction of a residential development comprising 8 dwellings and associated car parking at 1 Dove Lane, Randwick 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 Community Development:

1. Plans clearly indicating:

The dedication of a 0.7 metre strip of land along both site frontages and a 3 metre by 3 metre splay corner to Par and Dove Lanes. The plans are to include any changes to the layout of the development required to achieve the land dedication required by development consent conditions 2 and 3.

Garbage bin storage areas capable of containing at least 1 x 120 litre bin (garbage) and 1 x 240 litre bin (recycling) as required by development consent condition 76.

The garage to townhouses 3 and 4 shall setback a minimum one (1) metre from the existing property boundary (i.e. at least 0.3 metres from the land dedication boundary). This condition has been attached to allow for the retention of the Eucalyptus maculata located on Council's nature strip near proposed garage for townhouse 3. The garage to townhouse 4 is to be setback to maintain the symmetry of the two dwellings and improve the relationship of the dwellings to the street.

The plans are to include a revised landscape plan which is consistent with the architectural drawings and which clearly indicates the retention of all trees on the site with the exception of trees 2,4,6,7,11,12,14 as numbered on Revision C of the Landscape Plan LSK01, which may be removed.

The retention of the existing wall on the northeastern boundary of the property. This wall is to be shown on the landscape plan and any landscaping treatments are to be indicated.

- 2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity of amenity of the streetscape. 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 and Community Development prior consent to being issued.*

Development Consent Conditions

Subject to compliance with the deferred commencement condition, 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 Revision C of the plans drawn by Arttech Design and Construction Job No.0223 and sheet numbered 1C-8C, dated 13/06/02 and stamped received by Council on 25/10/02, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
- 2. The applicant shall dedicate (at no cost to Council) a 0.7 metre wide strip of land along the Dove Lane and Par Lane site frontages for road widening purposes. This condition has been attached to facilitate pedestrian movements around the development. This dedication is to take place prior to the release of the Construction Certificate.*
- 3. The applicant shall dedicate (at no cost to Council) a 3 metre by 3 metre splay corner at the Dove Lane/Par Lane intersection. This dedication is to take place prior to the release of the Construction Certificate.*
- 4. The retention of the existing brick wall along the northeastern boundary is to be certified by a structural engineer to ensure its structural integrity after the rest of the*

existing building is demolished. This certification is to be received prior to the release of the Construction Certificate.

5. *The external colours, materials, finishes and landscaping of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning & Community Development pursuant to the deferred commencement condition.*
6. *The visitor car spaces shall be readily accessible at all times and shall be clearly marked with appropriate signage*

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

7. *In accordance with Council's Section 94 Contributions Plan adopted in 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 \$15,282.16. 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.*
8. *In accordance with Council's Section 94 Contributions Plan adopted in 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 \$6,757.04. 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.*
9. *In accordance with Council's Section 94 Contributions Plan adopted in 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.*
10. *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.*
11. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***
12. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
13. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

14. *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:

15. *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.*

16. *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 the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

17. *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.

18. *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.***
19. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
20. *Prior to the commencement of any building 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.*
21. *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.*
22. *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.*

23. *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.

24. *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.

25. *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.*

26. *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*

27. *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.*

28. *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 construction 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.*

29. *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.*

30. *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.

31. *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.*
32. *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.*
33. *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".*
34. *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.

35. *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.

36. *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.

37. *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.*

38. *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.

39. *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.*
40. *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:

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

Smoke alarms must comply with AS 3786 - Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

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

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

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

42. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover 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)*
43. *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.*

44. *Garbage storage enclosures 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. Approval is to be obtained from Sydney Water.*

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

45. *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) \$5000.00 - 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.

46. *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 new vehicular crossings.*

- a) \$ 5000.00 - 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:

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

- a) *Construct full width concrete vehicular crossings opposite the new vehicular entrances to the site in Dove Lane.*
- b) *Construct full width vehicular crossings opposite the new vehicular entrances to the site in Par Lane. It is noted that all vehicular crossings within three (3) metres of trees being retained shall be constructed from permeable paving and all other crossings in Par Lane shall be constructed from asphalt.*
- c) *Remove the redundant concrete vehicular crossings and laybacks in Dove Lane and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification.*

- d) *Reconstruct any damaged sections of Council's kerb and gutter along the full site frontage in Dove Lane.*
 - e) *Repair any damaged sections of the asphalt laneway (along the site frontages in Dove Lane and Par Lane) as required by Council's Department of Asset and Infrastructure Services.*
 - f) *Construct a new concrete footpath between the existing kerb and gutter in Dove Lane and the land dedication boundary. It is noted that all sections of footpath within three (3) metres of the trees to be retained shall be constructed from permeable paving.*
 - g) *Construct a new double grated gully pit with a minimum kerb inlet of 1.8 metres in front of the proposed development, and connect the gully pit to Council's existing stormwater pit in Dove Lane via a 375 mm diameter RRRCP (rubber ringed reinforced concrete pipe).*
48. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's 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 roadway.*
49. *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.*
50. *A work zone is to be provided in the vicinity of the proposed development (location to be determined by the Randwick Traffic Committee). The 'workzone' shall have a minimum length of 12 metres and the prescribed fee for the work zone 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:

51. *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, shall be as follows:*
- In Dove Lane:*
 - (a) *30 millimetres below the top of kerb opposite at the proposed vehicular crossings.*
 - (b) *30 millimetres above the existing top of kerb opposite at all points other than the vehicular entry/exit points.*

In Par Lane:

- (a) *100 millimetres above the centreline of the lane at all points opposite the laneway along the full site frontage.*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0919.

52. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the laneway in Par Lane and the kerb in Dove Lane must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
53. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1957.60 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
54. *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:

55. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
56. *The applicant must meet the full cost for 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.*
57. *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.*
58. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

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

59. *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.*
60. *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.

61. *All stormwater leaving the site must be discharged by gravity to Council's underground drainage system in Dove Lane via a new double grated gully pit located in front of the development site (constructed by Council or a Council approved contractor at the applicant's expense). **Details of the proposed gully pit and stormwater line to be constructed under Council's roadway shall be submitted to Council for approval and approved prior to a construction certificate being issued.***

Note: Sketch details of a standard double grated gully pit may be obtained from Council's Drainage Engineer

62. *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.*
63. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final 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 that could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

64. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
65. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
66. *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).

67. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
68. *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.*
69. *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)*
70. *A sediment/silt arrester pit must be provided:-*
- h) within the site at or near the street boundary prior to the site stormwater discharging by gravity to Council's underground drainage system; and*
 - i) prior to stormwater discharging into any absorption/infiltration 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.*

71. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
72. *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.*
73. *One covered car washing bay shall be provided for this development.*
 - a) *The car washing bay 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 bay must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
 - d) *A water tap shall be located adjacent to the car washing bay.*
74. *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.*
75. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

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

76. *The plans submitted for the construction certificate shall clearly show adequate garbage bin storage areas for each of the townhouses. The garbage bin storage areas must be capable of containing at least 1 x 120 litre bin (garbage) and 1 x 240 litre bin (recycling).*

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

77. *The landscaped areas shown on the landscape plan number LSK 01, issue C, dated 25.10.02 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the 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 trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), 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.*
 - 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 plans.*
 - h. Location of easements within the site and upon adjacent sites (if any).*
- 78. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

- 79. 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.

80. *In order to allow for adequate water infiltration to ensure the retention of trees in good health, brick unit pavers or similar permeable paving units shall be used throughout the driveway, footpath, car park and any other paved areas proposed within three (3) metres of the existing trees to be retained. 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, the Principal Certifying Authority, prior to the issue of the Construction Certificate.

81. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
82. *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.

Tree Management

83. *The applicant shall submit a total payment of \$29,140.00 to Council,*
- a. *Being the cost for Council to remove the existing street tree specimens of *Harpephyllum caffrum* (number 8 on the submitted landscape plan), *Eucalyptus species* (number 9 on the submitted landscape plan), *Eucalyptus punctata* (number 11 on the submitted landscape plan), *Eucalyptus scoparia* (number 12 on the submitted landscape plan) and *Eucalyptus masculata* (number 14 on the submitted landscape plan) (\$1,920), and*
 - b. *To compensate Council for the loss of amenity caused by the removal of the street trees (\$27,220.00).*

*The contribution shall be paid into Account Number 43459939 Activity Code R36 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.

84. Approval is granted for the removal of the following trees subject to the planting of 3 x 100 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. One (1) *Eucalyptus* species (Gum Tree), number 2 on the submitted landscape plan.
 - b. Three (3) *Lophostemon confertus* (Brush Box), numbers 4, 6 and 7 on the submitted landscape plan.
85. Permission is granted for the selective pruning of overhanging branches from the *Eucalyptus mannifera* (Red Spotted Gum), number 10 on the submitted landscape plan. Only those branches in direct conflict with the proposed construction may be pruned. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Tree Protection Measures

86. In order to ensure the retention of the three (3) *Eucalyptus mannifera* (numbers 10, 13 and 16 on the landscape plan) and one (1) *Eucalyptus maculata* (number 15 on the landscape plan) in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.
 - b. **All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the set back of the proposed garage to townhouse number 3, a minimum of on (1) metre from the existing property boundary.**
 - c. The trees are to be physically protected by material such as hessian, taped or tied around the tree trunks to approximately 300mm thick. Palings are to be attached to the outside of the padding. A minimum 100mm thick layer of roadbase/gravel (or similar) shall be placed over the root zone of the trees.
- The protective measures are to be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.
- d. Within a minimum radius of 1 metre from the outside edge of the tree trunks there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, nor any stockpiling of soil or rubble.

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a

suitably qualified Arborist.

- e. *Prior to the commencement of any demolition works, the applicant will be required to contact Council's Landscape Architect on 9399 0786 to organise for an inspection of the tree protection measures.*

The applicant will also be required to contact Council's Landscape Architect prior to the commencement of any construction works within three (3) metres of the trunks of the trees to be retained, as the Council Officer will be required to supervise these works along with a qualified Arborist (as per point f).

- f. *Any excavations required for footings, structures, retaining walls, services, pipes, detention tanks, stormwater infiltration systems, paving etc within three (3) metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist and Council's Landscape Architect with all roots being cleanly cut.*
- g. *Watering of the trees three times a week for the duration of the period of the refundable deposit described in Point i.*
- h. *A refundable deposit in the form of cash, cheque or bank guarantee of \$69,280.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the trees in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
3	<i>Eucalyptus mannifera</i> <i>(Red Spotted Gum)</i>	\$50,150.00
2	<i>Eucalyptus maculata</i> <i>(Spotted Gum)</i>	\$19,130.00
	TOTAL	\$69,280.00

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the trees have been retained in good health.

Any contravention of Council's conditions relating to the trees at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

87. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$8,000.00 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 the Principal Certifying Authority.*
- 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.*

ADVISORY MATTERS:

A1. Should the development require greenwaste collection, it is recommended that the plans submitted for the construction certificate make provision for storing greenwaste garbage bins within the site.

A2. In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping 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.

A3. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions.

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

- | | | | |
|-----------|-------------------|----------|---------------------------------|
| <i>a)</i> | <i>Part 3.1</i> | <i>-</i> | <i>Site preparation</i> |
| <i>b)</i> | <i>Part 3.2</i> | <i>-</i> | <i>Footings and slabs</i> |
| <i>c)</i> | <i>Part 3.7.1</i> | <i>-</i> | <i>Fire separation</i> |
| <i>d)</i> | <i>Part 3.7.2</i> | <i>-</i> | <i>Smoke alarms</i> |
| <i>e)</i> | <i>Part 3.8.5</i> | <i>-</i> | <i>Ventilation requirements</i> |
| <i>f)</i> | <i>Part 3.8.6</i> | <i>-</i> | <i>Sound insulation</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: (Bastic/Andrews) SEE RESOLUTION.

AMENDMENT: (Whitehead/Greenwood) that the number of town houses on the site be reduced to seven (7) and the built form be better distributed over the entire site. **LOST.**

**9.10 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
94/2002 - 210 - 212 CLOVELLY ROAD, RANDWICK. (D/0351/2002)**

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

- A. *Council assume the concurrence of the Director of Urban Affairs and Planning to vary the provisions of Clauses 32 and 33(3) of the Randwick Local Environmental Plan 1998 (as amended) relating to floor area and building 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.*
- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 351/2002 for Demolition of the existing buildings on the site and the construction of a mixed commercial/residential development containing 3 retail/commercial units and 14 dwellings with associated car parking at 210-212 Clovelly Road, Randwick subject to the following conditions:-*
 1. *The development must be implemented substantially in accordance with the plans prepared by C M Hairis Architects with Drawing Nos.04A dated 15 April 2002, 05C to 11C dated 26 and 28 October 2002 and the Landscape Plan prepared by A S Landscape Architectural Services dated March 2002, received by Council on 18 April and 28 October 2002, 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 site is to be consolidated into one allotment prior to a construction certificate being issued for the proposed development.*
3. *The external colours, materials and finishes of the proposed development shall be in accordance with the details provided in the Schedule of External Finishes submitted and dated as received 26 July 2002.*
4. *Additional storage space for use by occupants of the proposed residential apartments of the development is to be provided within the basement car park. This may be achieved by the use of collapsible, wall mounted, security storage racks above car spaces of the residential units and/or by increasing the size of/ utilising any excess space within the proposed plant room to accommodate additional storage facilities for residential units. Details are to be submitted to and approved by the Director of Planning and Community Development prior to the issue of a construction certificate, and the approved details are to be included in the construction certificate plans for*

the development.

5. *That part of the rear garden area to the south of the terrace to Apartment 2 of the development is to be identified as common garden area and the proposed landscaping/fencing details altered accordingly. Details are to be submitted to and approved by the Director of Planning and Environment prior to the issue of a construction certificate, and the approved details are to be included in the construction certificate plans for the development.*
6. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
7. *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.*
8. *All plumbing and drainage pipes, other than rainwater heads, gutters and down pipes, must be concealed within the building.*
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. *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.*
12. *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.
13. *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.*
14. *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.*
15. *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.

16. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
17. *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.*
18. *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.

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

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

<i>a) for the provision or improvement of open space</i>	<i>19,807.04</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$8,757.76</i>
<i>c) 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 are applied to provide adequate provisions for parking to the development:

20. *A sign legible from the Clovelly road frontage must be permanently displayed to indicate that visitor parking is available on the site with access from the rear lane, and the visitor parking spaces must be clearly marked and accessible at all times.*
21. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*

22. *Public access to the visitor's carparking space is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*

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:

23. *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:

24. *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:

25. *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.*

26. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the 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:

27. *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**.*

28. *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 abovestated 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:

29. *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.

30. *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.***
31. *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.*
32. *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.*
33. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
34. *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.*
35. *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.*
 36. *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.

37. *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.*
38. *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*
39. *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.*
40. *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.*
41. *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.*
42. *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.*
43. *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.*

44. *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.*
45. *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".*
46. *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.

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

*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.

48. *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.

49. *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.*

50. *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.

51. *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.*
52. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

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

53. *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:

54. *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.

55. *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) \$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.

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

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

- a. *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in division Lane.*
- b. *Construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points in Division Lane and to its connection to the Council's Stormwater Drain on the southern side of Division Lane.*
- c. *Remove the existing sandstone kerb and gutter along the full site frontage in Clovelly Road and to replace it with new concrete kerb and gutter.*

- d. Carry out a full depth, minimum 1.50 metre wide, road construction in front of the new kerb and gutter works in Clovelly Rd and Division Lane.
- e. Reconstruct a full width concrete footpath along the full site frontage in Clovelly Road to Council's Urban Design Guidelines.

Note: The applicant is to provide Council with a design for the new footpath in Clovelly Road, which may include tree grates and seats. The applicant is to liaise with Council's Landscape Architect regarding details for the plan to be submitted. This plan is to be approved by Council prior to the issuing of a construction certificate.

- 57. *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.*
- 58. *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.*
- 59. *A work zone is to be provided to the development site in Clovelly 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.*
- 60. *The cost of all traffic facility/signposting required by Council in both Clovelly Road & Division Lane shall be paid by the applicant to Council.*

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

- 61. *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 as follows:*
 - A) **Clovelly Road Frontage** - match the back of the existing footpath along the full site frontage.
 - B) **Division Lane Frontage** - 50mm above the centreline level of the road in Division Lane at all points opposite centreline of Division Lane.

Any enquiries regarding the above issued levels should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.

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

62. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway in Division Lane and the footpath in Clovelly Road 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.*
63. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$805.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. 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:

64. *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.*
65. *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.*
66. *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.*
67. *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:

68. *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 (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.*
- 69. 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.

70. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the rear of the property in Division Lane.*
71. *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.*
72. *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.

73. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
74. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
75. *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).

76. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
77. *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.*
78. *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)*

79. *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/infiltration 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.

80. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*

81. *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.*
82. *Two 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.

83. *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.*
84. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

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

85. *The residential garbage room area will have to be redesigned so as to be able to contain a total of 14 x 240 litre bins (7 garbage bins & 7 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.*
86. *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.*
87. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the additional residence/dual occupancy.*
88. *The retail garbage area is to be able to hold 3 x 240 litre bins and be secured from the residence of the development. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*

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

89. *The landscaped areas shown on the plan number DALP-02/58, revision A, dated Mar*

02 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the 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 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 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, 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 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. *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 plans.*
- h. *Location of easements within the site and upon adjacent sites (if any).*

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

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

91. *The applicant shall submit a landscape design for the Clovelly Road street frontage of the development in accordance with Council's Urban Design Guidelines for Clovelly Commercial Centre. The landscape design shall include pavements, one (1) seat installation and three (3) tree grates as required by Council's Landscape Architect – 9399 0786.*

The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.

All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property 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 checking 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.

A refundable deposit in the form of cash or cheque of \$2,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Clovelly Road site frontage.

92. *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.

93. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

94. *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.

Tree Management

95. *Approval is granted for the removal of the following trees subject to the planting of 2 x 100 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. One Callistemon species (Bottlebrush) located within the front yard of No.210 Clovelly Road.*
 - b. One Schinus species (Peppercorn) located within the rear yard of No.210 Clovelly Road.*
 - c. One Arecastrum romanzoffianum (Cocos Palm) located within the rear yard of No.210 Clovelly Road.*

Tree Protection Measures

96. *In order to ensure the retention of the three (3) Banksia serrata (Old Man Banksias) located within Council's nature strip in good health, the following measures are to be undertaken:*
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
 - b. The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunks.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.
 - c. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, or no stockpiling of soil or rubble.*

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.
 - d. Any excavations required for services, pipes, paving etc within 1.5 metres of*

the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.

- e. *Watering of the trees (within the fenced off area) three times a week for the duration of the demolition and construction period.*
97. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$17,000.00 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 the Principal Certifying Authority.*
 - 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.*
98. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping 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 D3* - *Access for people with disabilities*
- c) *Part E2* - *Smoke Hazard Management*
- d) *Part E3* - *Lift Installations*

- e) Part E4 - Emergency lighting, exit signs and warning systems
- f) 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. *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.*

PROCEDURAL MOTION: (Matson/Greenwood) that this application be deferred to allow for mediation to take place between the parties.

FURTHER MOTION: (Andrews/Bastic) SEE RESOLUTION.

**9.11 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
95/2002 - 567 MALABAR ROAD MAROUBRA. (D/0573/2002)**

309 **RESOLUTION: (Bastic/Andrews) 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 573/02 for Alterations and first floor addition to existing semi-detached dwelling at 567 Malabar Road Maroubra subject to the following conditions:-*

- 1. *The development must be implemented substantially in accordance with the plans unnumbered, dated 24/5/02 and received by Council on 18/6/02, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to commencement of any building works.***

- 3. *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.*

4. *The section of deck indicated above the ground floor dining area with the dimensions of 3mx1.5m is to be non-trafficable so as to ensure privacy to the occupants of adjoining properties. This area shall be treated as roof area to the dining room and entry be restricted through the erection of a balustrade. **Details are to be submitted with the construction certificate.***
5. *A privacy screen is to be provided to the southern elevation of the first floor deck. This screen is to be constructed of non-reflective obscured glass to a height of 1800mm to ensure privacy to No. 2 Scott St without increasing the bulk of the development. Details are to be submitted to Council **prior to commencement of any building works.***
6. *The floor to ceiling height of the first floor addition shall be reduced to 2400mm limiting the maximum external wall height to 7300mm in order to reduce the bulk of the development and to further reduce overshadowing to adjoining properties.*
7. *Upon receipt of the notice of determination for this development, Development Consent No. 717/01, shall be surrendered.*

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

8. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*

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

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

9. *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.*
10. *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:

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

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

12. *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.*
13. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
14. *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.*
15. *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.*
16. *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.

17. *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.

18. *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 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

19. *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.*
20. *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.*
21. *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.*

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

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

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

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

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

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

MOTION: (Bastic/Andrews) SEE RESOLUTION.

AMENDMENT: (Matson/Whitehead) that:

- a) The proposed 1st floor addition be shortened by two (2) metres at the eastern end in order to meet the 12 metre length requirement for reduced bulk; and
- b) The deck be deleted because of its severe adverse privacy and noise impact. **LOST.**

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

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
Cr Notley-Smith	Cr Bastic
	Cr Daley
Cr Seng	Cr Matthews
Cr Whitehead	Cr Procopiadis
	Cr Schick
	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey

9.12 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 96/2002 - 22 GREGORY STREET, SOUTH COOGEE. (D/0613/2002)

310 **RESOLUTION: (Bastic/Daley) 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 floor area and 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.*
- (B) *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 613/2002 for Demolition of the existing dwelling house and the construction of a new two storey attached dual occupancy development with car parking for four vehicles under at 22 Gregory Street, South Coogee subject to the following conditions:-*
 1. *The development must be implemented substantially in accordance with the plans prepared by C M Hairis Architects with Drawing Nos. 01 to 05 Amendments B dated 25 September 2002 and L1 Amendment B dated 10 October 2002, dated as received by Council on 23 and 24 October 2002, 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 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. The proposed roofing and its colour finish shall be of a low reflective type.*

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & 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.*

3. *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.*
4. *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.*
5. *All plumbing and drainage pipes, other than rain water heads, gutters and down pipes, must be concealed within the building.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *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.*
8. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the commencement of works.***
9. *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.*

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

10. *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>\$2,732.00</i> |
| b) | <i>for the provision or improvement of community facilities</i> | <i>\$1,208.00</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 group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

11. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*

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

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:

12. *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 ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

13. *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.*

14. *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:

15. *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 the following premises:*

20 Gregory Street.

*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 abovestated 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:

16. *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.

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

20. *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.*
21. *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.*
22. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
 23. *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.

24. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
25. *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.*
- 26. *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.*
- 27. *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.*
- 28. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
- 29. *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.*
- 30. *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.*
- 31. *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.*
- 32. *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.*
- 33. *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".*
- 34. *During construction stages, sediment laden stormwater run-off shall be controlled*

using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing

*Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*

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

35. *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.

36. *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.*

37. *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 reasonable levels of fire safety are provided in the building:

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

Provisions.

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

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

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

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

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

39. *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:

40. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a. *Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b. *Remove the redundant concrete vehicular crossing and layback in Macleay St and to reinstate the area with turf and integral kerb and gutter to Council's specification.*

- c. *Construct a 1.3m wide concrete footpath along the Gregory St site frontage up to the pedestrian gate entrance in Macleay St. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
41. *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.*
42. *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:

43. *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 as follows:*

Gregory St Frontage - 100mm above the top of the kerb at all points opposite the kerb, along the Gregory St site frontage.

Macleay St Frontage - 500mm above the top of the kerb at all points opposite the kerb, along the Macleay St site frontage.

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

44. *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.*
45. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,196.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
46. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified above. 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:

47. *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.*
48. *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:

49. *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.*
- 50. 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.

- 51. 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.*
- 52. 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.*
- 53. A "restriction as to user and positive covenant" must be placed on the title of the subject property in conjunction with the registration of any future plan of subdivision or strata subdivision for this property. 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.

54. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
55. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
56. *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).

57. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
58. *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.*
59. *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)*

60. *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.

61. *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.*
62. *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.*
63. *As the above site may be present with seepage water the basement garage or similar structures are 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.*

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).*
64. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*

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

65. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the additional residence/dual occupancy*

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

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

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

ADVISORY MATTERS:

- A1. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

MOTION: (Bastic/Daley) SEE RESOLUTION.

PROCEDURAL MOTION: (Greenwood/Matson) that this application be deferred for the applicant to submit amended plans providing for a further setback of 2.5 metres from Gregory Street. **LOST.**

9.13 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 97/2002 - DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 32 - 15 BUMBORAH POINT ROAD, MATRAVILLE. (98/S/1009)

- 311 **RESOLUTION:** *(Bastic/Andrews) that Council exhibit the proposed draft LEP in accordance with the Environmental Planning and Assessment Act 1979 and the Best Practice Guideline published by the Department of Urban Affairs & Planning in January 1997 titled "LEPs and Council Land – Guideline for Councils using delegated powers to prepare LEP's involving land that is or was previously owned or controlled by Council".*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

10. PETITIONS.

- 10.1 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF CLOVELLY RSL CLUB REGARDING THE CONSTRUCTION OF A PEDESTRIAN CROSSING IN FRONT OF THEIR PREMISES. (98/S/1954 xr D/0625/2002)**

312 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Bastic)* that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

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

10.2 SUBMITTED BY CR DALEY ON BEHALF OF CONCERNED RESIDENTS REGARDING THE REPLACEMENT OF MALABAR'S BOAT RAMP STEPS. (98/S/2737)

313 **RESOLUTION:** *(Daley/Bastic)* that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

MOTION: *(Daley/Bastic)* SEE RESOLUTION.

11. MOTIONS PURSUANT TO NOTICE.

11.1 By Councillor Matthews – Plaques erected At Malabar and Coogee. (98/S/4286 xr 98/S/0178)

314 **RESOLUTION:** *(Matthews/Daley)* that the matter of Council arranging for plaques to be erected at appropriate locations in Malabar and Coogee in memory of the residents who lost their lives in the Bali bombings be received and noted.

MOTION: *(Matthews/Daley)* SEE RESOLUTION.

11.2 By Councillor Matthews – Fire Hazard at Anzac Rifle Range. (98/S/0975 xr 98/S/0178)

(Note: This item was dealt with in conjunction with Mayor's Minute 81/2002 – See Minute No. 282/2002.)

11.3 By Councillor White – Installation of Calming Devices in Yarra Road and Canara Avenue, Phillip Bay. (R/0792/02 xr R/0151/02 xr 98/S/0178)

(Cr Matthews left the meeting at this stage, the time being 10.26 p.m.)

315 **RESOLUTION:** *(Bastic/Daley)* that this Council investigate with the aim of installing traffic calming devices in Yarra Road and Canara Avenue, Phillip Bay.

MOTION: *(Bastic/Daley)* SEE RESOLUTION.

11.4 By Councillor Schick– Additional Funding for the Kensington Town Centre DCP. (98/S/0293 xr 98/S/0178)

316 **RESOLUTION:** *(Schick/Procopiadis)* that due to the extensive and prolonged study of the Kensington Town Centre DCP 2002, Council write to Planning N.S.W seeking additional funding towards the cost.

MOTION: *(Schick/Procopiadis)* SEE RESOLUTION.

11.5 By Councillor Notley-Smith – The Supplement or Replacement of the Randwick City Council Waste Calendar. (98/S/3603 xr 98/S/0178)

317 **RESOLUTION: (Notley-Smith/Seng)** that a report be prepared and brought to Council on a supplement to and/or possible replacement of the Randwick City Council waste calendar. The report should look at the feasibility of introducing an area specific sticker for all household waste bins.

The sticker could detail:

- a) *The day of the week that bins are collected;*
- b) *The day of recycling collection;*
- c) *Days of the month or dates that the various clean up services are provided in that area;*
- d) *Information relating to Council's new clean up service;*
- e) *Contact numbers for the reporting of illegal dumping; and*
- f) *Any other relevant information.*

and Council undertake a community survey to determine the likely acceptance of such a proposal.

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

11.6 By Councillor Matson – Response to Community Concern over Recent Street Tree Removals in George Street. (R/0325/03 xr 98/S/0178)

MOTION: (Matson/Greenwood) that as a consequence of the recent removal of street trees in George Street, Council resolves that:

- a) The Tree Preservation Officer will provide the next meeting of the Works Committee with his assessment of the option of immediately replacing the northern most tree with a super advanced replacement tree;
- b) no further removal of the remaining figs progresses until the lost street amenity is fully re-established by mature replacement species for those trees taken; and
- c) to provide a public schedule for all future planned removals, which properly phases the action progressively over the next decade in accordance with Council's stated intent. **LOST.**

11.7 By Councillor Notley-Smith – Installation of Ashtrays on Garbage Bins in the City of Randwick. (98/S/3233 xr 98/S/0178)

MOTION: (Notley-Smith/Seng) that Council takes steps for the immediate installation of ashtrays (as used by the City of Sydney) on all garbage bins in the City of Randwick supplied by JC Decaux. **LOST.**

11.8 By Councillor Matson – Adverse Media Coverage of Water Pollution at Randwick's Beaches. (98/S/1423 xr 98/S/0178)

MOTION: (Matson/Greenwood) that a report will come back to the next Council meeting exploring and costing the following options for reducing bacterial and viral pollution of our beach water:

- a) Lobbying the State Government to bring forward a scheduled program for the removal of all present sewerage overflows from sewer lines to the stormwater system servicing Randwick;
- b) Preventing degradable material such as dog excrement from entering stormwater pipes; and
- c) Lobbying the State and Commonwealth Governments for financial assistance to correct private domestic stormwater pipes that are illegally connected to Randwick's sewer system. **LOST.**

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

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
Cr Notley-Smith	Cr Bastic
Cr Seng	Cr Daley
Cr Whitehead	Cr Procopiadis
	Cr Schick
	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey

11.9 By Councillor Notley-Smith – Replacing of Footpath on Western Side of Belmore Road, between High and Arthur Streets, Randwick. (R/0079/01 xr 98/S/0178)

- 318 **RESOLUTION: (Notley-Smith/Whitehead)** that Council, as a matter of urgency, replaces the footpath on the western side of Belmore Road between High Street and Arthur Street, Randwick to the same standard of surface as the most recent upgrades in other parts of Belmore Road and funding for this purpose be included in the forthcoming budget and a report be submitted on the general state of Belmore Road to Council in the new year.

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

11.10 By Councillor Matson – Presenting the Opportunity for Local Debate on Preserving N.S.W Forest and Woodland's Issue. (98/S/1193 xr 98/S/0178)

MOTION: (Matson/Greenwood) that in noting the high level of local community support for the preservation of N.S.W forests and woodlands, Council will invite local MP Bob Carr and the Leader of the State Opposition to present their positions on the issue of the Western Woodlands at a public meeting in the Town Hall chaired by the Mayor in late January. That further, Council will invite the Wilderness Society to also speak at the event and to provide an information stall. **LOST.**

11.11 By Councillor Matson – General Agreement on Trade in Services (GATS). (98/S/4726 xr 98/S/0178)

MOTION: (Matson/Greenwood) that Council:

- a) Believes public policy regarding the regulation, funding and provision of essential services should be made democratically by Governments at the national, state and local level;
- b) Calls on the Federal Government to fully consult with state and local Governments about the implications of the GATS negotiations for Local Government services and regulation;
- c) Calls on the Federal Government to make public the specific requests it made to other Governments in the GATS negotiations which were due on 30 June, 2002;
- d) Calls on the Federal Government to make public its specific responses to requests from other Governments which are due on 30 March, 2003;
- e) Calls on the Federal Government to support the clear exclusion of public services from the GATS, including Local Government community services and water services;
- f) Calls on the Federal Government to oppose to any proposals which would open up the funding of such public services to privatisation;
- g) Calls on the Federal Government to oppose any proposals which would reduce the right of Local Government to regulate services, including the application of a “least trade restrictive” test to regulation; and
- h) Writes to the Minister for Trade concerning the above. **LOST.**

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

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
	Cr Bastic
	Cr Daley
	Cr Notley-Smith
	Cr Procopiadis
	Cr Schick
	Cr Seng
	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey
	Cr Whitehead

11.12 By Councillor Notley-Smith – Replacing the Council Garbage Bins on Coogee Bay Road, Coogee. (R/0197/01 xr 98/S/0178)

319 **RESOLUTION:** *(Notley-Smith/Backes) that in view of the need to replace the Council’s garbage bins on Coogee Bay Road and along the beach front at Coogee a report be submitted to Council on possible design details and costs.*

MOTION: *(Notley-Smith/Backes) SEE RESOLUTION.*

11.13 By Councillor Matson – Maroubra Bay Hotel. (D/0974/2002 xr 98/S/0178)

This motion was withdrawn by Cr Matson with the consent of the Council.

11.14 By Councillor Seng – Establishing a Selection Committee for Appointment of new General Manager. (98/S/0823 xr 98/S/0178)

MOTION: (Seng/Notley-Smith) that, in line with past practice, Randwick Council establish a Selection Committee comprising of representatives from all parties and independents for the appointment of a new General Manager. **LOST.**

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

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
Cr Notley-Smith	Cr Bastic
Cr Schick	Cr Daley
Cr Seng	Cr Procopiadis
Cr Whitehead	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey

11.15 By Councillor Seng – Energy Australia to review street lighting levels in Houston Road, Kingsford. (98/S/0791 xr 98/S/0178)

320 **RESOLUTION: (Seng/Procopiadis)** that Council request Energy Australia to review street lighting levels in Houston Road, Kingsford with a view to improving current unsatisfactory lighting.

MOTION: (Seng/Procopiadis) SEE RESOLUTION.

12. URGENT BUSINESS.

12.1 COUNCILLORS' BULLETIN – NEWSPAPER ARTICLES. (98/S/1947)

321 **RESOLUTION: (Backes/Procopiadis)** that permission is hereby granted to Cr Backes to bring forward to the meeting and transact business of great urgency, concerning newspaper articles not being included in the Councillors' Bulletin in the future.

Not all Councillors were present and His Worship the Mayor, Cr D. Sullivan, ruled that the business proposed to be brought forward, concerning newspaper articles not being included in the Councillors' Bulletin was of great urgency.

322 **RESOLUTION (FURTHER): (Backes/Procopiadis)** that newspaper articles not be included in the Councillors' Bulletin in the future.

13. CONFIDENTIAL REPORTS.

Nil.

14. COMMITTEE-OF-THE-WHOLE.

Nil.

15. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

16. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 10.50 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 10TH DECEMBER, 2002.

.....
CHAIRPERSON