

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 12TH NOVEMBER, 2002 AT 6:45 P.M.**

PRESENT:

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

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
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, T. Seng and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Assets & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Acting Manager Environmental Planning	Ms. K. Armstrong.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

1. APOLOGY.

Nil.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 8TH OCTOBER 2002.

H73 **RESOLUTION:** *(Bastic/His Worship the Mayor, Cr D. Sullivan) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 8th 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: (Procopiadis/White) that the meeting be adjourned at 6.46 p.m. and be further adjourned at 7.29 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

5.1 145 BROOK STREET, COOGEE

The Objector	Mr Kevin Keady	147 Brook Street, Coogee
The Applicant	Mr Philip Thalys	5/68-72 Wentworth Avenue, Surry Hills

5.2 15 CASTLE STREET, RANDWICK

The Objector	Ms Annabelle James	c-17 Castle Street, Randwick
The Applicant	Mr Thomas Isaksson	4/113 Reservoir Street, Surry Hills

5.3 15 LURLINE STREET, MAROUBRA

The Objector	Mr Walter Petroni	11A Lurline St, Maroubra
The Applicant	Mr Alex Pappas	6-8 Mashman Avenue, Kingsgrove

5.4 403 CLOVELLY ROAD, CLOVELLY

The Applicant	Mr Michael Suttor	9/47 York St, Sydney
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5.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 81/2002 - 707-745 ANZAC PARADE, MAROUBRA (MAROUBRA MALL)

In Support	Mrs Pam Roles	181 Maroubra Road, Maroubra
The Applicant	Mr Geoff Gilbert	Level 4-364 Kent Street, Sydney

6.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 82/2002 & 83/2002 - DONCASTER VILLAGE MASTER PLAN - 240-268 ANZAC PARADE & 101-105 DONCASTER AVENUE, KENSINGTON

The Objector	Dr Stephen Gatt	47 Balfour Rd, Kensington
The Objector	Ms Mary Moorhead	Roma Ave, Kensington
The Applicant	Mr Peter Navratil	596 Crown St, Surry Hills

The meeting was resumed at 7.52 p.m.

4. MAYORAL MINUTES.

4.1 MAYOR'S MINUTE 74/2002 - STATE ENVIRONMENT PLANNING POLICY NO 71 - COASTAL PROTECTION. (98/S/4421)

H74 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that Council receive and note the Director of Planning & Community Development's Report 84/2002 on State Environmental Planning Policy 71 – Coastal Protection.*

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

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 145 BROOK STREET, COOGEE. (D/1187/2001)

H75 **RESOLUTION: (Backes/Bastic)** *that this application be deferred to allow the applicant to draw up the plans in line with the Council Officer's recommendation and for the applicant and objectors to meet prior to the finalisation of these plans to see how they address the issues raised at this meeting.*

PROCEDURAL MOTION: (Backes/Bastic) SEE RESOLUTION.

5.2 DEVELOPMENT APPLICATION REPORT - 15 CASTLE STREET, RANDWICK. (D/0594/2002)

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

A. *Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.594/02 for permission to carryout alterations and additions to the dwelling at 15 Castle Street Randwick subject to the following conditions: -*

1. *The development must be implemented substantially in accordance with the plans numbered A02 & A03, dated June 2002 and received by Council on the 24th June 2002, 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 whole of the southern brick boundary wall facing 17 Castle Street to be painted in a light heritage colour. The colours, materials and finishes of other external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

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. *There is to be no encroachment of the building upon the adjoining premises, and a survey shall be undertaken to accurately establish the boundaries of the site prior to*

any building works being undertaken.

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

5. *Stormwater must be drained and discharged to the street gutter or a suitable absorption pit 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:

6. *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.*
7. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

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

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

8. *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 upper level addition.

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:

9. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
10. *Prior to the commencement of any building 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.*
11. *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.*
12. *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.

13. *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.*
14. *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

15. *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.*

16. *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.*
17. *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:

18. *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/Greenwood) that there be a setback on the southern side of level one of 1.5 metres to accommodate increased solar access to the neighbouring building.

LOST.

A division on the motion was called for by Crs Matson & Greenwood. Voting was as follows:-

For	Against
Cr Andrews	Cr Greenwood
Cr Backes	Cr Matson
Cr Bastic	Cr Whitehead
Cr Daley	
Cr Matthews	

Cr Notley-Smith
Cr Procopiadis
Cr Schick
Cr Seng
His Worship the Mayor, Cr D. Sullivan
Cr Tracey
Cr White

**5.3 DEVELOPMENT APPLICATION REPORT - 15 LURLINE STREET,
MAROUBRA. (D/0569/2002)**

H77 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Andrews) that:*

- A. *Council as the responsible authority grant its development consent under Section 80(1) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0569/02 for demolition of the existing dwelling on the site and construction of a new two storey dwelling house and basement garage, at 15 Lurline Street, Maroubra, subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans drawn by Alec Pappas Architects P/L Job No.J35-01 and numbered DA-01(A) to DA-07(A) and drawings LC-01(A), SC-01(A), ESC-01(A), dated October 2002, stamped received by Council on 09/10/02, 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:*

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. *All works, including the wall on the southern side boundary of the site, are to be wholly constructed within the property boundaries at 15 Lurline Street, Maroubra.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

4. *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.*
5. *The development must be designed and constructed to achieve a minimum energy*

efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the construction certificate application.

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.

6. *Landscaping shall be provided to the site to reduce the impact of the development upon the amenity of the environment and a landscape plan shall be submitted to and approved by the Director of Planning & Environment, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of any works.*
7. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
8. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

9. *Surface water/stormwater must be drained and discharged to the street gutter 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.

10. *The finished ground level outside of the building is required to be a minimum of:*
 - *150mm below the internal floor level of the building, or,*
 - *100mm below the internal floor level of the building in sandy, well drained areas, or,*
 - *50mm below the internal floor level of the building where an external paved area or slab is provided adjacent to the building, which is graded not less than 50mm over the first 1m away from the building,*

Details of stormwater drainage are to be provided in the plans / specifications for the construction certificate.

11. *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

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

12. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
13. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

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

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

14. *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.*
15. *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.*
16. *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.*
17. *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.

18. *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.

19. *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*

20. *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.*

21. *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.*

22. *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

23. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment*

Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.

24. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
25. *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.*
26. *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.*
27. *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".*
28. *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.

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.

29. *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.

30. *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.*

31. *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:

32. *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:

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

a) \$1000.00 - Vehicular crossing deposit

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

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

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

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

b) *Construct a 1.3m wide concrete footpath along the full site frontage.*

c) *Construct a stilling pit at kerb, if required, for site stormwater disposal.*

d) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

35. *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.*

36. *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:

37. *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:*
- *Proposed Pedestrian Gate Entrance – To be at RL 38.30 AHD*
 - *Driveway Entrance – To be RL 37.035 AHD (Northern Side)
To be RL 37.480 AHD (Southern Side)*

The above issued levels are to be used in conjunction with the survey submitted, done by John R Holt Surveyors dated 7/5/02, and using the B.M nail in power pole.

Note: The internal driveway and pathway are to be constructed with high points 50mm above the issued alignment levels. (Compliance with this requirement is to be shown on the plans for the construction certificate – this is to reduce possible overland stormwater flow into the site).

Any enquiries regarding this matter 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.

38. *The design alignment levels (concrete/paved/tiled level) issued by Council (see above) are to 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.*
39. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$215.00 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:

40. *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.*
41. *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:

42. *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to a minimum 3 metre square base infiltration area. An overflow pipe shall be provided from the silt arrester pit that drains to Council's kerb and gutter*

Note: Should a pump out system be adopted for the overflow pipe then all pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

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.

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

43. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
44. *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.*
45. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such*

details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.

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

46. *Approval is granted for the removal of the following tree subject to the planting of 1 x 75 litre broad canopied replacement tree (not palm) within the site. The species selected shall be one that will attain a minimum height of 6 metres at maturity.*
 - a) *One specimen of Banksia species (Banksia) located along the front of the site.*
47. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*
48. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

Advisory Conditions

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

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

5.4 DEVELOPMENT APPLICATION REPORT - 403 CLOVELLY ROAD, CLOVELLY. (D/0552/2001)

H78 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Andrews) that:**

- A. *the Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 31(3) and 32(1) of the Randwick Local Environmental Plan 1998 (relating to landscaping over basements and floor space ratio respectively) 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.*
- 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/0552/01 for construction of a residential development comprising 8 dwellings and associated car parking at 403 Clovelly Road, Clovelly, 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. *The colours, materials and finishes of the external surfaces to the building are to be compatible with surrounding buildings, including the Clovelly Hotel. 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 Environment.*

2. *The landscaped areas shown on the landscape plan dated 01.08.2001 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by the Director of Planning and Community Development. The landscape drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.
 - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *All planter boxes and garden beds constructed on slab must have a minimum soil*

depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.

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

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

- 3. The applicant shall submit a landscape design for the Clovelly Road street frontage in accordance with Council's Urban Design Guidelines for Clovelly. The subject landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*

The landscape design plans shall be submitted to the Director of Asset and Infrastructure Services for approval.

All approved works shall be constructed by the applicant at the applicants cost prior to the issue of the Occupation Certificate. (Please note: A fee for checking the design and supervision of the works shall be paid to Council which may be up to 20% of the total cost of the works).

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 plans drawn by Michael Suttor P/L Architects Job No.9611 and numbered DA-01F, DA-02F, DA-03F, DA-04G, dated 20/04/02 and drawings DA-05G, DA-06G, DA-07F, DA08F dated 23/04/01, stamped received by Council on 09/08/02, and the landscape plan by Annabel Stanton numbered LA01 and stamped received by Council on 29/06/01, 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 base of the building, from finished ground level at the Donnellan Circuit elevation to RL22.25 is to be constructed of or faced with sandstone to reduce the visual bulk and apparent height of the Donnellan Circuit elevation.*
- 3. The embankment walls to the vehicular access and landscape retaining walls throughout the development are to be constructed of or faced with sandstone for*

consistency with the boundary fencing and to contribute to the appearance of the 'base' of the building.

4. *This consent does not extend to the strata title subdivision in relation to the development. A separate development application must be submitted for any subdivision of the proposed development.*

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

5. *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 \$12,550.16. 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.*

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 \$5,549.04. 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.

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.

6. *The external colours, materials and 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 & Environment pursuant to the deferred commencement condition.*
7. *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.*
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 issuing of the construction certificate.*
9. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying*

authority with the construction certificate application.

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.

10. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
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. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
13. *The enclosure of balconies is prohibited by this consent.*
14. *Vehicular access to the car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate signage to provide for access to visitor spaces at all times.*

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

15. *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) \$3000.00 - Security damage deposit
- b) \$2000.00 - 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.

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

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

16. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a. *Construct a full width heavy duty vehicular crossing in Donnellan Circuit opposite the vehicular entrance to the site.*
 - b. *Re-landscape along Donnellan Circuit west of the proposed vehicular access so as to provide satisfactory traffic sight lines in accordance with Aust Standard No 2890.1. This will include construction of retaining walls along the Council nature strip to retain the Council embankment as well as replanting of the embankment to Council's requirements.*
 - c. *Remove all redundant concrete vehicular crossings and laybacks and to reinstate the areas with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - d. *Re-construct the Council kerb and gutter and footpath for the Clovelly Rd site frontage in accordance with Council's Urban Design Guidelines for Clovelly.*

(Note – the applicant is to submit the landscape design for the Clovelly Rd street frontage as required by Council's Landscape Architect (9399 0786) for approval and is to be approved by Council prior to carrying out the civil works.
 - e. *Carry out a full depth, minimum 1.50 metre wide, road construction in front of the kerb and gutter along the Clovelly Road site frontage.*
17. *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.*
18. *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.*
19. *A work zone is to be provided, (at full cost to the applicant), at a suitable location along the site frontage. The applicant shall contact Council's Traffic Engineer to determine the preferred location for the work zone prior to lodgement of a construction certificate application. The work zone shall have a minimum length of 12 metres, and all fees 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:

20. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must be as follows:*

Clovelly Rd Frontage: 100mm above the top of the kerb at all points opposite the kerb, along the full site frontage.

Donnellan Circuit Frontage: 200mm above the top of the kerb at all points opposite the kerb, along the full site frontage.

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

21. *The design alignment levels (concrete/paved/tiled level) 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.*
22. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$1,163.00 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:

23. *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.*
24. *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.*
25. *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.*
26. *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:

27. *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 is 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.

- i) A drainage plan and longitudinal section with all utility services accurately plotted for this stormwater pipeline must be provided. It should be noted that notwithstanding the calculations, the minimum pipe diameter acceptable within Council's street system and/or easement is 375mm.*
28. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at either site frontage.*
29. *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)*

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

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

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

Note: Sketch details of a standard sediment/silt arrester pit can be obtained

from Council's Drainage Engineer.

31. *Seepage must be drained directly into an absorption pit or Council's underground drainage system. The applicant shall note compliance with Council's regarding the discharge of seepage water may require the applicant to meet the full cost for Council to extend its stormwater drainage network to a suitable point adjacent to the site.*
32. *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.*

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

33. *The garbage room areas will have to be designed so as to be able to contain a total of 8 x 240 litre bins (4 garbage bins & 4 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.*
34. *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.*
35. *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 residential development.*

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

36. *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.

37. *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.*
38. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

Tree Management

39. *The applicant shall submit payment of \$440.00 to Council,*
 - a. *Being the cost for Council to supply and install 2 x 75 litre street trees at the*

completion of all works.

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

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

40. *Approval is granted for the removal of the following trees subject to the planting of 5 x 75litre 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) Metrosideros excelsa 'Variegata' (New Zealand X-mas Bush) located along the western boundary of the site.*
 - b. *Three (3) Archontophoenix alexandrae (Alexandra Palms) located along the western boundary of the site.*
 - c. *One (1) Tree (species undetermined) located along the western boundary of the site.*

41. *Approval is granted for the removal of all vegetation on the landscaped embankment immediately adjacent to the development site, along the Donellan Circuit frontage and in a 5 metre band from the property boundary up to the Clovelly Road frontage.*

The applicant shall submit a landscape plan to Council's Landscape Architect for the embankment areas at a scale of 1:100 or 1:200 indicating the location of all proposed planting. All plants are to be drawn at their mature size with a dense planting of small trees (that will attain a maximum height of 3 metres at maturity), shrubs, accent plants and ground covers within all embankment areas so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers. Additional notation is required showing soil and mulch details, edging, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

Note: a retaining wall is to be constructed along the traffic sight line, west of the vehicular access in Donnellan Circuit, to approximately in line with the western side boundary of the site. Details, including finish and height, are to be shown on the landscape plan submitted to Council's Landscape Architect.

The applicant shall contact Council's Tree Management Officer, Bryan Bourke on 9399 0609 to discuss suitable species for planting within this area.

The landscape design plans shall be submitted to Council in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, and shall be approved by the Director of Asset and Infrastructure Services prior to the certifying authority issuing a construction certificate for the development.

42. *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 Council.*
- b. *any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

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

43. *The 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:

44. *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:

45. *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.

46. *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:

47. *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.

48. *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:

49. *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.

50. *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.*
51. *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.*
52. *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.*
53. *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.*
54. *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.*
55. *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.*
56. *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.*
57. *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.*
58. *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*
59. *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.*
60. *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.*

61. *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.*
62. *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.*
63. *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.*
64. *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.*
65. *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".*
66. *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.

67. *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.

68. *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.

69. *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.*

70. *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.

71. *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.*
72. *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:

73. *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.*

Advisory Conditions

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

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

5.5 DEVELOPMENT APPLICATION REPORT - 298, 320 AND 346 AVOCA STREET, RANDWICK. (RANDWICK BOYS AND GIRLS HIGH SCHOOL) (D/0066/2002)

H79 RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Andrews) that:

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 66/2002 at 298 and 320 – 346 Avoca Street, Randwick, (Randwick Girls and Boys Schools) in the following manner:*

Amend Condition No. 2 read:

2. *The development must be implemented substantially in accordance with the plans numbered DA01-18, dated 22 January 2002 and received by Council on 25 January 2002, as amended by the Section 96 plans Sheet No. Ran03, dated*

30.10.02 and received by Council on 5 September 2002, 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:

Add the following conditions:

Tree Management

59. Approval is granted for the removal of the following trees as listed in the Memorandum dated 30th July 2002 and the Landscape Plan submitted by Anthony Popovich of Landscape Design Group.

a) Trees numbered 2, 5, 7-13, 15-19, 22-23 and 25-17.

Tree Protection Measures

60. In order to ensure the retention of the Trees numbered 1, 3-4, 6, 14, 20-21 and 24 as listed in the Memorandum dated 30th July 2002 and the Landscape Plan submitted by Anthony Popovich of Landscape Design Group 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. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 1.5 metres from the outside edge of the tree trunk of Tree No.20, Eucalyptus citriodora (Lemon Scented Gum).

c. The Trees numbered 1, 3, 6 and 20 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.

d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.

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. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 5 metres of the tree trunk of Tree No.20, Eucalyptus citriodora (Lemon Scented Gum) shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist. Footings shall be located to avoid all roots greater than 30mm in diameter.*
- f. The foundations for the proposed works shall be of pier and beam construction.*
- g. The installation of woodchip mulch to a depth of 75mm within the fenced off protection areas as described in Point c.*
- h. Watering of the trees (within the fenced off areas) three times a week for the duration of the construction period.*
- i. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- j. A refundable deposit in the form of cash or cheque of \$8,800.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

<i>QUANTITY</i>	<i>SPECIES</i>	<i>AMOUNT</i>
<i>1</i>	<i>Eucalyptus citriodora (Lemon Scented Gum)</i>	<i>\$8,800.00</i>
	<i>TOTAL</i>	<i>\$8,800.00</i>

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 tree has been retained in good health.

Any contravention of Council's conditions relating to the tree 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.

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

**5.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
81/2002 - 707-745 ANZAC PARADE, MAROUBRA (MAROUBRA MALL)
(D/0255/2002)**

H80 **RESOLUTION:** (*Andrews/Bastic*) that:

- A *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio and building height respectively) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the NSW Department of Urban Affairs and Planning be advised accordingly.*
- B *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 255/02 for demolition of the existing shopping centre and carpark and construction of a new mixed use development comprising ground floor, mezzanine and part first floor retail/commercial, 551 residential units and associated basement carparking at 707-745 Anzac Parade, Maroubra subject to the following conditions:-*

Deferred Commencement Conditions

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

1. *A consolidated set of finalised architectural plans, which reflect the amendments made in sketch form are to be submitted to Council. The plans are to incorporate the following:*
 - *Details of the proposed colours, materials and textures and coloured elevations at a scale of 1:100 of all buildings are to be submitted to and approved by Council's Director of Planning and Community Development. Where details have been provided to the satisfaction of Council previously these are to be included for consistency and to provide consolidation of the approved plans.*
 - *The 'Green Street' link is to be in accordance with sketch plan S6520. The northern edge of the town square is to retain the curve indicated in revision C of the plans dated 25 October, 2002.*
 - *The sketch plans received on 25 October 2002 numbered S6501-S6503, S6508, S6510, S6514, S6515, S6530, S6531, S6532 and S6533 are to be represented to Council in a finalised architectural drawing format at a scale of 1:300. Where the sketches show part plans only these are to be incorporated into the full sized floorplans for the development as a whole to reduce confusion and provide a single reference to Council.*
2. *Council is to be provided with a Deed duly executed by the Applicant (and where the Applicant is not the owner the subject of the development then the Deed must be duly executed by such owner(s)) in essence containing an operative provision to the effect that in consideration of Council as owner permitting works on, in or over Anzac Parade, Boyce Road, Piccadilly Place, Bruce Bennetts Place, Maroubra Road and*

Walsh Avenue Maroubra, as referred to in Conditions 91 and 92 of this consent Council shall be appointed the principal certifying authority pursuant to Section 109E of the Environmental Planning and Assessment Act 1979 in respect of those works. All works to be carried out at no cost to Council. The Deed to be binding upon the transferees, assignees and successors in title of the Applicant/Owner(s).

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 plans drawn by Crone Nation Architects, Revision C of drawings numbered with the prefix A2004/ ADA and individually numbered Z1054-Z1064 dated 25 October, 2002 and Revision B of drawings numbered with the prefix A2004/ ADA and individually numbered Z2000, Z2001, Z2005 and drawings numbered SK.02-SK.07 dated 18 September, 2002 except where amended by plans with prefix A2004/ADA and numbered Revision A of S6501, S6502, S6504, S6505- S6507, S6509, S6511, S6513, S6514, S6515, S6520, S6530- S6533 and Revision B of S6510, 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. This consent does not extend to the kiosk shown on the ground level plans of the town square. The kiosk is to be deleted from the plans to be submitted with the Construction Certificate. The construction of any additional structures within the town square will require separate development consent.*
- 3. The consolidation of the allotments subject to this approval is to be completed prior to an occupation certificate being issued for the proposed development, by the certifying authority.*
- 4. This consent does not extend to any form of strata subdivision and a separate development application must be submitted for strata subdivision of the proposed development.*
- 5. The construction of the 'Green Street' pedestrian through link shall occur at Stage 2 of the development due to the construction issues associated with its location in the centre of the site.*
- 6. The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning & Environment pursuant to the deferred commencement condition.*
- 7. The town square is to be accessible 24 hours a day to promote pedestrian activity and meet surveillance and amenity objectives. Details of the management of this area are to be included in the Operational Retail Centre Management Plan referred to in Condition 12.*

The following condition has been applied to ensure that adequate provisions are made for Section 94 Contributions:

8. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$832,708.66. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$326,348.04. 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.

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

9. *Six (6) one bedroom units are to be dedicated to Council by deed of agreement prior to an occupation certificate being issued for the residential component of the proposed development in accordance with the affordable housing requirement in the Master Plan. This condition is imposed to ensure the continued provision of affordable housing in the Maroubra Junction area and*
10. *All residents of all the residential buildings are to be given full access to the swimming pool, gymnasium and meeting room facilities provided in the residential component of the development. This condition is imposed to ensure the amenity of all residents.*
11. *Surveillance cameras are to be installed where passive surveillance of areas is not readily accessible, such as the carpark. A scheme for the use of cameras is to be submitted to and approved by Council's Director of Planning & Environment, prior to a construction certificate being issued for the proposed development. This condition is imposed to ensure the safety and surveillance of the occupants and visitors to the development.*
12. *The Operational Retail Centre Management Plan and Owner's Corporation Management Plan are to incorporate details of proposed safety and security measures and are to be submitted to and approved by Council's Director of Planning & Environment, prior to an occupation being issued for the proposed development.*
13. *The applicant is to provide a Youth Policy Plan document to positively manage the attendance of young people within the complex. The plan is to be implemented by Centre Management and is to be completed prior to the opening of the Mall and*

completion of the Town Square. The plan is to be submitted to and approved by Council's Director of Planning & Environment, prior to an occupation being issued for the proposed development.

14. *The applicant is to provide a meeting room for community use. The room is to provide tea and coffee making facilities and a community information display. Access to the area and bookings are to be managed by Centre Management. The meeting room facility is to be available to the community from 8am to 10pm Monday to Saturday. This condition is imposed to ensure the provision of appropriate community facilities.*
15. *The additional landscaping details required by Condition 166 are to include the proposed lighting schemes within the communal open space area. The landscape plan is to incorporate current Crime Prevention through Environmental Design (CPTED) principles and is to be duly certified by a qualified CPTED practitioner. This condition is imposed to ensure the safety of residents and visitors to the development. Landscaping details for the façade treatment proposed to the Boyce Road, Bruce Bennetts Place elevations are also to be provided. Details required by this condition are to be submitted to and approved by Council's Director of Planning & Environment, prior to a construction certificate being issued for the proposed development.*
16. *Balconies provided to the corners of buildings are to be provided with a full height transparent screen along one of the edges to minimise wind effects and ensure the amenity and useability of the balcony areas. Details of the proposed screens are to be provided with the application for a Construction Certificate.*
17. *The applicant is to provide details of an appropriate management strategy for the sharing of retail/commercial car spaces with visitors to the residential component of the development. The strategy is to outline management practices to allow verification of visitors by residents and entry to and exit from the carpark for visitors without incurring any costs that may be levied on shoppers for retail parking. Details required by this condition are to be submitted to and approved by Council's Director of Planning & Environment, prior to a construction certificate being issued for the proposed development.*
18. *The applicant is to provide clear signage within carpark levels directing vehicles to the lift lobby areas for each of the residential buildings and clearly indicating access to the shopping centre. Details of the proposed signs and their locations are to be provided to Council prior to an occupation being issued for the proposed development. This condition is imposed to reduce confusion and ensure vehicular and pedestrian safety.*
19. *A lockable water supply is to be provided in close proximity to each of the car wash bays required by condition 153. The lockable cabinets are to be keyed to allow each resident access to all car wash bays. AAA rated fittings are to be installed to ensure efficient use of water. This condition is imposed to provide amenity to residents and to guard against vandalism and water wastage. Details are to be provided with the application for a Construction Certificate.*
20. *All public areas of the development, communal areas and access to the residential units is to comply with relevant legislation and Australian Standards for Accessibility.*

Details of compliance will be required with the application for a Construction Certificate.

21. *Details of the proposed system to manage resident's access to the residential carparking levels are to be provided with the application for a Construction Certificate. The system is to provide reliable, convenient and secure access for residents and is to incorporate a facility to monitor use of the carparking to allow regulation of the one space per unit provision.*
22. *Thirty-six (36) accessible dwellings or dwellings capable of being adapted to meet accessibility standards are to be provided in the development. Access to and within these dwellings must meet the requirements of the Australian Standards and all other relevant legislation. The provision must be clearly indicated on the drawings submitted with the application for a Construction Certificate.*
23. *Any mechanical equipment chosen for the ventilation of the building is to be selected bearing in mind the incorporation of energy conservation devices, eg. scheduling occupation usages, after hours usage etc., and any associated environmental effects, e.g use of CFC's. A statement indicating how the ventilation equipment meets energy conservation criteria is to be provided by a suitably qualified professional with the application for a Construction Certificate.*
24. *The following specifications are to be met to minimise the reliance on artificial light and ensure appropriate amenity:*
 - *Lighting levels should be established using the guidelines set out in Australian Standard AS 1680.1-1990.*
 - *Internal wall colouring should be made as light as possible to maximise the use of natural daylight. Wherever possible, electric lighting should be integrated with natural daylight, through the use of time switch controls etc.*
 - *Wherever aesthetically possible and in locations which occupants might find acceptable, fluorescent, and in particular, compact fluorescent, lighting could be used in place of incandescent lighting.*

Energy-efficient lighting measures are to be included in the details submitted with the Construction Certificate. These may include but are not limited to:

- *individual occupancy lighting controls and, in particular zoning of lighting of lighting controls.*
- *Ambient light switching for lobby/lift foyer areas*
- *Motion sensor devices for lighting in low-use areas*
- *Use of a single tube luminaire fitted with a reflector. Alternatively, twin light fittings should have three methods of operation – both tubes on, only tube on, and neither on.*

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

25. *Upon completion of demolition works and prior to a construction certificate being issued, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide*

information on land and ground water contamination and migration in relation to past filling activities that may have occurred on site. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be provided to Council, in accordance with Council’s Contaminated Land Policy.

Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion to the report must clearly state that `the land is suitable for its intended land use without restrictions, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement.

Should the Detailed Site Investigation Report identify contaminated land then a Remedial Action Plan (RAP) is required.

26. *A formal remediation action plan (RAP) is to be prepared by an independent and suitably experienced, Environmental Consultant. This report is to be prepared in accordance with the EPA guidelines and is to be submitted to and approved by the Site Auditor and Council prior to commencing remediation works.*

27. *This RAP is to include procedures for the following:*

- *Excavation of Hydrocarbon-contaminated soil*
- *On-site treatment by land farming*
- *Validation sampling and analysis*
- *Ground water monitoring*
- *Contingency groundwater remediation and validation*

28. *A Validation Report shall be submitted to Council upon completion of the remedial works. The Validation report shall be prepared with reference to the NSW Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:*

- *Description and documentation of all works performed.*
- *Results of validation testing and monitoring.*
- *Validation results of any imported fill onto the site.*
- *Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
- *Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*

29. *The applicant is to engage an Environment Protection authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to and accepted by Council, prior to a construction certificate being issued, stating that the site is suitable for the intended development and use.*

The Site Audit Statement must be unconditional, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works.

30. *All works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environmental Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
31. *All remediation work shall be conducted within the following hours:*
- Monday – Friday 7am – 5pm*
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
32. *Council must be notified of any new information that comes to light during excavation, which has the potential to alter previous conclusions about site contamination.*
33. *The disposal of contaminated soil should have regard to the provisions of the Protection of the Environment Operations Act 1997 and Regulations and any relevant EPA guidelines such as the EPA Environmental Guidelines' Assessment, Classification and Management of Liquid & Non-Liquids Wastes' (1999).*
34. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of Work Cover and the Environmental Protection Authority, and with the provisions of:*
- Occupational health and Safety Act 2000 (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).*
35. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
36. *Prior to the commencement of any demolition, remediation or building works, adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
37. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*

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:

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

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

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

40. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to and approved by Council prior to a construction certificate being issued for the development. The report is to certify that noise and vibration emissions from the development (including the proposed air conditioning units, mechanical ventilation systems and alike) will be able to comply with the provisions of the Protection of the Environment Operations Act 1997, the NSW EPA guidelines, including the Industrial Noise Policy and the Environmental Noise Control Manual.*

41. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997, NSW EPA guidelines, including the Industrial Noise Policy and Environmental Noise Control Manual.*

42. *Deliveries are restricted and shall not occur between the following hours;*
10.00pm – 7.00am Monday to Saturday (inclusive)
9.00pm – 8.00am Sundays and Public Holidays

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

43. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*
44. *Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works.*
45. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

46. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
47. *There are to be no emissions or discharges from the premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
48. *Details of the proposed Mechanical Ventilation Systems (including discharge locations) are to be submitted to the Council's Manager of Environmental Health and Building Services, prior to issuing of the Construction Certificate, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979. An Odour Report, prepared by a suitably qualified, independent consultant, is also required to be submitted to Council, which demonstrates that the amenity of the occupiers at the site and nearby residents will not be detrimentally affected by the proposed system.*
49. *All proposed ductwork for mechanical ventilation systems/exhaust systems are to be concealed within the building in appropriate service shafts.*

The following conditions are applied to ensure compliance with the Food Act 1989 and Council's Food Premises Code:

50. *All food premises are to be subject to Council's Food Premises Code and details of compliance are to be shown on future Construction Certificate or Complying Development Certificate Applications (as applicable). All food premises are to be registered with the Council, prior to Occupation and on an annual basis.*

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

51. *Legionella control – cooling towers, humidifying systems, warm water systems, water cooling systems must be registered with the Council on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.*

The premises are to be registered with Council together with payment of the approved fee, prior to occupancy of the building.

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

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

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

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

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

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

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

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

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

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

The following conditions are applied to ensure adequate environmental protection.

55. *All site works shall comply with the occupational health and safety requirements of Work Cover NSW.*
56. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and storm water systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site*

boundaries.

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

57. *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:

58. *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.*

59. *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.*

60. *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:

61. *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.

62. *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:

63. *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.

64. *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.*
65. *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.*

66. *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.*
67. *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.*
68. *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.*

69. *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.*
70. *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.

71. *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.*
72. *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*
73. *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.*
74. *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.*
75. *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.*
76. *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.*
77. *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.*
78. *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.*
79. *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".*

80. *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.

81. *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.

82. *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.

83. *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.*

84. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*

- any works or hoisting of materials over a public footway or adjoining premises, or*
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and 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.

85. *'B' Class' overhead type hoardings and public access are required to be designed in accordance with the following requirements (as applicable).*

- The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.*
- Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.*
- Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus or 1.5m from part for non conductive materials, such as timber.*

- *Adequate artificial lighting is to be provided to the hoarding.*
- *A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.*
- *A minimum overhead clearance of 2.2m is to be provided below the hoarding.*
- *The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.*
- *Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.*
- *The hoarding is to be painted white or other light colour acceptable to Council.*
- *Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.*
- *The hoarding is to be erected and maintained fully in accordance with the requirements of Work Cover New South Wales.*
- *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
- *A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation (and a copy of the certificate is to be forwarded to the Council if it is not the certifying authority) certifying the structural adequacy of the hoarding and compliance with Councils conditions of consent and relevant requirements of WorkCover New South Wales.*

86. *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.*

87. *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 provide access and facilities for people with disabilities:

88. *Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of the Building Code of Australia.*

Security Deposit Conditions

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

89. *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) \$50,000.00 - 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.

90. *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) \$6000.00 - Vehicular crossing deposit

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

Traffic conditions/Civil Works/Road Closure Conditions

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

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

- a) *Construct full width concrete commercial vehicular crossings and laybacks at kerb opposite the vehicular entry/exit points for the site.*
- b) *Remove any redundant vehicular crossings and laybacks and to reinstate the areas to Council's specification.*
- c) *Reconstruct kerb and gutter for the full Boyce Road site frontage.*
- d) *Reconstruct kerb and gutter for the full Bruce Bennetts Place site frontage.*
- e) *Reconstruct kerb and gutter for that section of Maroubra Road between Bruce Bennetts Place and the prolongation of the southern boundary of the Maroubra Road site frontage.*
- f) *Carry out a full depth, minimum 1.5 metre wide, road construction in front of the reconstructed kerb and gutter in Boyce road, Bruce Bennetts Place and Maroubra Road.*
- g) *Carry out all drainage related diversion/upgrading construction works as referred to elsewhere in this report, (including all drainage related construction works in Walsh Avenue).*

- h) Remove all existing footpaths and construct new footpaths along the full site frontages. All new footpaths are to be in accordance with Council's Urban Design Guidelines for Maroubra.*
92. *An approval under the Roads Act 1993 is required to be obtained from Council in relation to all drainage and infrastructure works which are located within the roadway/public place. Details of the proposed works are to be submitted to and approved by the Director of Asset and Infrastructure Services prior to commencing such work. Council is to be nominated as the principal certifying authority in respect of those works.*
93. *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.*
94. *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.*
95. *All walls adjacent to the vehicular exit points should be splayed 1.5 metres by 1.5 metres, and/or lowered to a maximum height of 600mm above the internal driveway and/or suitably setback from the street alignment such that the driver of an exiting vehicle stopped two metres behind the boundary line could observe pedestrians up to two metres away from the exit crossing. Details are to be submitted to the Certifying Authority prior to release of the construction certificate showing compliance with this condition. As an alternative to the above the applicant would be required to submit for approval, and have approved by the Certifying Authority, a traffic management plan aimed at minimising the potential for vehicle/pedestrian conflict at the exit driveways. The traffic management plan would need to be approved prior to release of the construction certificate and the applicant would be required to meet all costs associated with implementation of the plan including installation of any traffic/pedestrian control devices.*
96. *A work zone/s is to be provided, (at full cost to the applicant), at a suitable location fronting the development site. The applicant shall contact Council's Traffic Engineer to determine the preferred location for the work zone prior to lodgement of a construction certificate application. The work zone/s shall have a minimum length of 18 metres, and all fees must be paid to Council at least four (4) weeks prior to the commencement of building works.*
97. *The aisle widths, internal circulation, ramp widths and grades of the carpark are to generally conform to the Roads & Traffic Authority (RTA) guidelines, Australian Standard AS 2980.1 –1993 and Council's Development Control Plan - Parking. Details of compliance are to be shown on the relevant plans and specifications for the*

construction certificate, and are required to be submitted to and approved by the Certifying Authority, prior to a construction certificate being issued for the proposed development.

98. *Prior to the issuing of a construction certificate the applicant shall submit to the Certifying Authority for approval, and have approved, longitudinal sections along the extremities and the centreline of each internal driveway/access ramp at a scale of 1:20. Each section shall indicate compliance with Council's issued alignment levels. Vehicular access driveways are to be designed in general accordance with Council's Development Control Plan – Parking and the relevant sections of AS 2890.1-1993.*
99. *The applicant shall liaise with Energy Australia to obtain their requirements for flood proofing the existing electricity substation located within the development site. Any alterations to the substation (including suitable flood and weather proofing) are to be carried out in strict accordance with the requirements of Energy Australia.*

Notes:-

- *Any alterations shall be located wholly within the property boundary.*
 - *Doors are not to open out onto the Council road reserve.*
100. *Prior to the issue of an occupation certificate a separate D signal phase is to be provided for the right turn movement for southbound vehicles in Anzac Parade turning into Boyce Road. The applicant shall meet all costs associated with provision of the subject D signal phase.*
101. *Prior to the issue of an occupation certificate a separate right turn phase is to be provided for the right turn movement from Maroubra Road to Bruce Bennetts Place. The applicant shall meet all costs associated with provision of the subject right turn phase.*
102. *No Stopping restrictions shall be installed for a 10 metre length on approach to all egress points from the development. The applicant shall meet all costs associated with installation of the No Stopping restrictions.*
103. *Prior to the issue of an occupation certificate the applicant shall meet the full cost for the existing driveway on Anzac Parade be removed and the area reinstated to Council's specification.*
104. *Prior to the issue of an occupation certificate the applicant shall meet the full cost for kerb ramps to be installed at all intersections adjacent to/surrounding the development site.*
105. *Prior to the issue of an occupation certificate marked footcrossings and car park type speed humps shall be installed within the basement car parking areas as indicated on the revised plans dated 3/9/03.*
106. *Prior to the issue of an occupation certificate signposting stating 'AUTHORISED PERSONNEL AND SERVICE VEHICLES ONLY' shall be installed at the following locations*

- *Maroubra Road at service vehicle access entry*
 - *Piccadilly Place east of the residential access facing eastbound motorists*
107. *Residents of the proposed development will be excluded from any existing or future residential permit parking scheme.*
108. *The roller shutter for the residential car park shall be located at the base of the ramp to avoid on street queuing from occurring. Details are to be submitted to the certifying authority for approval, and be approved, prior to the issuing of a construction certificate.*
109. *Prior to the issue of an occupation certificate bollards shall be installed adjacent to the lift lobby on basement 1 and basement 2 level to separate traffic from pedestrians.*
110. *Prior to the issue of an occupation certificate pavement arrows are to be installed on all aisles within the car parks.*
111. *Prior to the issue of an occupation certificate signposting is to be installed on all entrances to car parks appropriately indicating either residential or retail/visitor parking.*
112. *All lighting in carpark areas must comply with the relevant Australian Standards.*

The applicant must lodge with Council a bond (or bank Guarantee, such Guarantee to be in accordance with Council's Policy) to the value of \$2,000,000 as a security deposit to ensure that ownership of the eastern section of Piccadilly Place, required to be closed as part of this application, is transferred to the applicant and that all of Council's and the relevant service authorities' requirements with respect to civil/infrastructure works resulting from the closure of Piccadilly Place are complied with. Such bond/ bank guarantee would be refunded/released only after:

- *payment to Council of the agreed market value of this portion of Piccadilly Place and payment to Council of all associated Council costs.*
 - *relocation of any public utility authority services located within Piccadilly Place to the public authorities requirements and satisfaction.*
 - *the relocation of the Council stormwater culverts that are located under the eastern section of Piccadilly Place and under the existing development site to the satisfaction and approval of the Director of Asset and Infrastructure Services.*
113. *No construction certificate shall be issued for any construction works in that section of Piccadilly Place that is proposed for closure until all of Council's requirements with respect to the road closure have been complied with and ownership of the subject section of Piccadilly Place has been transferred to the applicant.*

Splay Corner Conditions

114. *The applicant must, at no cost to Council, dedicate a minimum 3m x 3m splay corner for road widening purposes on the north/east corner of the development site, (intersection of Anzac Parade and Boyce Road).*

115. *The applicant must, at no cost to Council, dedicate a minimum 3m x 3m splay corner for road widening purposes on the north/west corner of the development site, (intersection of Bruce Bennetts Place and Boyce Road).*
116. *The applicant must, at no cost to Council, dedicate a minimum 3m x 3m splay corner for road widening purposes on the south/west corner of the development site, (intersection of Bruce Bennetts Place and Piccadilly Place).*

Service Authority Conditions

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

117. *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.*
118. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or AGL to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
119. *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.*
120. *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 Energy Australia prior to lodging the construction certificate to see if an electricity substation will be required for the development.*

Drainage Conditions

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

121. *Prior to any building construction works within the site the applicant shall submit to the Director of Asset and Infrastructure Services for approval, and have approved, a specification for the following:*
 - i) *supply, laying and backfilling of stormwater pipelines.*
 - j) *construction of stormwater pits and other associated structures.*
 - k) *road reconstruction works*

Note that the general conditions for the Council stormwater drainage pipelines and the provision of stormwater overland flowpaths shall include:-

- i) *The overland stormwater flow routes shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard*

factor, (product of velocity and depth of flow). This safety factor shall not exceed a value of 0.4 at any location. (ie $VD \leq 0.4$).

ii) All future Council stormwater pipelines shall be constructed with a spigot and socket, rubber ringed steel reinforced concrete pipeline (RRRCP). Other pipelines maybe considered however the selected pipeline must have a minimum equivalent or superior qualities to that of the RRRCP. Such qualities shall include (but not limited to):-

- Life expectancy minimum 80 years (including abrasion wear)*
- Vehicular loadings.*
- resistance to chemical or biological attack.*
- hydraulic capacity*

Notes

- Prior to backfill, the pipeline shall be inspected and approved by the Director Asset and Infrastructure Services.*
- The minimum internal diameter for a future Council stormwater pipeline shall be 375 mm.*
- Generally backfill material for the pipeline trench shall be:-*
 - clean sand.*
 - watered in.*
 - compacted in 150 mm layers with a minimum 97% relative compaction.*

iii) All standard extended kerb inlet pits shall be constructed in accordance with Council's standard drawing SD 3. Minimum concrete strength of 32 Mpa.

iv) All standard junction pits shall be constructed in accordance with Council's standard drawing SD 4. Minimum concrete strength of 32 Mpa.

v) A junction or inlet pit shall be generally constructed where there is any change in direction of the proposed stormwater culverts.

vi) All other pits that cannot be constructed to the above details shall be designed by a structural engineer. The detail of the pit/s shall in general, be similar to SD 3 (for an inlet pit) or SD 4 (for a junction pit). Note that all pits shall be:-

- benched with a minimum 75 mm concrete.*
- constructed with a minimum concrete strength of 32 Mpa.*

122. Road and drainage civil works shall be constructed in accordance with the Council approved Design and Construction specification and plans.

123. The applicant shall submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$200,000 for the proper performance of all Council controlled infrastructure constructed/reconstructed as part of this development, for the full period of the defects liability period. A fifty-two week defects liability period apply commencing from the date of Councils Acceptance of the

constructed/reconstructed works and the provision of the abovementioned unconditional bank Guarantee.

124. *Prior to any construction works, (excluding works associated with demolition of existing structures), the applicant shall submit to the Director of Asset and Infrastructure Services for approval, and have approved, a detailed stormwater drainage plan for all the Council controlled stormwater culverts that are to be constructed/reconstructed as part of this development proposal. The drainage plan is to generally be in accordance with the Stormwater Strategy submitted with the Development Application and titled:-*

“ Hydraulic Assessment and Diversion of Existing Stormwater Infrastructure & Overland `Flow Path for Maroubra Mall - September 2002 Reference:2001812 Revision E”

Details shall include, but not be limited to the following:

- *A detailed drainage study/analysis identifying the catchment and subcatchment areas upstream of the site and the stormwater flows generated from these catchments, together with the catchment areas within the site and the flows generated from it. Information submitted shall be generally in accordance with the flood study requirements of the latest draft “FLOODPLAIN MANAGEMENT MANUAL” (ISBN 07313 0370 9).*
- *The plan and drainage calculations (compiled by a suitably experienced and qualified Civil Engineer) shall determine the 1 in 100 year flood event for this area using the “DRAINS” Urban Drainage Simulation Models. Overland flow profiles shall be determined by the “HEC-RAS” computer model.*

Notes: - Rainfall intensities are to be calculated following the procedure demonstrated in chapter 2 Australian Rainfall & Runoff-1987 edition.

The following information must be submitted to the Director of Asset and Infrastructure Services for approval, and have approved for checking and record purposes:

- l) *All “DRAINS” and “HEC-RAS” data files on 3 1/2” MS-DOS formatted diskettes together with a suitable index to relate data files to the various run parameters.*
- m) *Plans showing:*
 - i) *details of the “overland flow culvert” around the northern portion of the development site perimeter.*
 - ii) *details of the stormwater pipeline/s to drain the resultant low point adjacent to Piccadilly Place (adjacent to the proposed road closure) in the western portion of Anzac Parade. This detail and the “overland flow culvert” will need to be submitted to and approval by Council and the Road and Traffic Authority. (note that any conditions imposed by the RTA shall form apart of this development consent)*
 - iii) *all Council stormwater culverts located outside the development site.*

- n) *Stormwater drainage plans, pipeline longitudinal sections and calculations in general accordance with the recommendations of the Floodplain Management Manual” and “ Australian Rainfall and Runoff, 1997 Edition”.*
- o) *A hydraulic grade line analysis of the proposed stormwater drainage culverts.*

Notes:

- *All habitable, retail and storage floor levels within the development site shall be located a minimum 300 mm above the 1 in 100 year flood level.*
- *Any driveway, windows or other opens to the basement areas within the development site, shall have a minimum 150 mm freeboard to the projected 1 in 100 year flood level.*

125. *Prior to any development construction works that will adversely affect the existing overland flow or the culverts/pipelines that drain Piccadilly Place and/or Boyce Road, the Council approved stormwater diversion works shall be constructed to the satisfaction of the Director of Asset and Infrastructure Services.*
126. *Prior to any building construction works within the development site, (excluding works associated with demolition of existing structures), the applicant shall undertake stormwater drainage works in Walsh Avenue such that the 1 in 100 year flood level in Bruce Bennetts Place will be a maximum level of RL 24.40 metres AHD. The applicant shall submit to the Director of Asset and Infrastructure Services for approval, and have approved, a detailed stormwater drainage plan and calculations for the proposed works.*

Note that these works shall generally be in accordance with the Stormwater Strategy as submitted with the Development Application and titled:-

“ Hydraulic Assessment and Diversion of Existing Stormwater Infrastructure & Overland `Flow Path for Maroubra Mall - September 2002 Reference:2001812 Revision E”

127. *Prior to the issuing of an occupation certificate the applicant shall submit to the Director of Asset and Infrastructure Services for approval, and have approved, details of the proposed 450 mm diameter pipeline to be constructed along the northern side of Maroubra Road (that drains the south western corner of the development site).*

Note that this pipeline shall be constructed at a maximum angle of 30 degrees to the direction of the stormwater flow, where it connects to the 1500 mm diameter pipeline.

128. *The proposed stormwater drainage pipelines that will drain from the eastern side of Anzac Parade; the low point on the western side of Anzac Parade (adjacent to Piccadilly Place); and Mason Street, through to the low point in Bruce Bennetts Place (via Boyce Road) shall be capable of discharging a minimum 1 in 100 year storm flow. The applicant shall provide suitable pits for the stormwater to surcharge at the low point in Bruce Bennetts Place. The applicant shall liaise with Council’s Drainage Engineer to discuss the required design parameters for these pipelines prior to undertaking any detailed design work.*

Note: the applicant, when considering the flood levels associated with the 1 in 100 year storm, shall ensure that the existing developments located adjacent to the site along the northern side of Boyce Road, have:

- *the driveways with a minimum 150 mm freeboard.*
- *the habitable, retail and storage floor levels with a minimum 300 mm freeboard*

129. *The proposed stormwater drainage pipeline that will specifically drain the low point of Boyce Road shall be designed and constructed to separately drain a minimum 1 in 10 year storm. The applicant shall liaise with Council's Drainage Engineer to discuss the required design parameters for this pipeline prior to undertaking any detailed design work.*

Note that the catchment area for determining the capacity of this pipeline includes :-

- a) *the eastern side of Anzac Parade.*
- b) *the low point on the western side of Anzac Parade (adjacent to Piccadilly Place).*
- c) *Mason Street.*

130. *All new pits shall be designed with the following blockage factors:-*

- *on grade - 50% blockage factor,*
- *low point pits - 80% blockage factor.*

131. *The overland stormwater flow routes shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow). This safety factor shall not exceed a value of 0.4 at any location. (ie $VD \leq 0.4$).*

132. *The applicant must meet the full cost of all work required by Council to be carried out in connection with the relocation or upgrading of any stormwater pipeline within and adjacent to the property which might be affected by the proposed development, such work to be carried out in accordance with plans and specifications approved of by the Director of Asset and Infrastructure Services.*

This work is to include the upgrading of the stormwater drainage system downstream of Bruce Bennetts Place.

133. *A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the Director of Asset and Infrastructure Services for approval, and be approved, prior to the release of the linen plans. The work-as-executed plan shall be submitted with documentary evidence demonstrating compliance with the stormwater drainage development conditions and the plans approved by the Director of Asset and Infrastructure Services.*

The work-as-executed plan shall detail the location and finished surface levels of all civil works within and adjacent to the site including (but not limited to) the following:

- *the roads,*

- *stormwater drainage pits (including the internal dimensions, surface and invert levels, lintel size etc)*
- *pipelines (including the invert levels. pipeline diameters)*
- *overland flow paths, (including the volume, depth and width of the flow path) etc. with finished surface level contours at 0.2 metre intervals.*
- *utility services locations size and depths/levels*

For the overland flow paths the following details must be included:-

- a) *cross sections showing the 1 in 100 year water level and the extent (depth and width)*
- b) *gradients*

Note: Prior to the final inspection for the external drainage works, a copy of all WAE civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council, should Council not be the Certifying Authority.

134. *The applicant's engineer shall carry out site inspections and certify that all civil and structural works within Council's road reserve (eg all steel reinforcement, concrete works, laying of pipelines, pavements, etc.) have been constructed and inspected under his/her supervision.*

The engineer must also certify that the civil and stormwater drainage works have been constructed as follows:

- p) *in accordance with the approved plans and conditions of consent.*
- b) *to the requirements of the Council approved specification.*
- c) *n a workman like manner.*
- d) *to his/her requirements and satisfaction.*

135. *Prior to the issuing of an occupation certificate the applicant shall submit to Council CCTV videos of all Council stormwater pipeline or culverts adjacent to the site. Such CCTV shall inspect all stormwater pipes for any damage relating to construction of the development and correct pipeline laying.*

The applicant shall note that should any pipeline be damaged or incorrectly installed, the applicant shall remove the damaged pipeline and construct a new equivalent diameter R.R.R.C.P. with associated junction pits. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.

136. *Prior to any works within or adjacent to the development site the applicant shall submit and have approved by the Roads and Traffic Authority (RTA) the final approved design of the external stormwater drainage works and road closure works for Piccadilly Place. All conditions and requirements of the RTA shall form a part of the conditions of consent of this development application.*

137. *Prior to any works within or adjacent to the development site the applicant shall submit and have approved by the Roads and Traffic Authority (RTA) and the Director of Asset and Infrastructure Services a traffic management plan for:-*

- i. *the proposed stormwater diversion works.*
- ii. *the proposed development site building works.*

Note that these works will need to be approved by the by the Department's Transport Management Centre section.

138. *The applicant shall note that all external work, carried out on Council property, shall be in general accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application fee shall be payable to Council for the quotation of the required works.*

In accordance with Council's policy the applicant may elect to use his contractor, (contractor subject to Council approval) for the required works, however a minimum of 50% of the contractor's quotation shall be paid to Council as a bond/bank guarantee, (subject to Council's concurrence that the quotation represents an accurate costing). A design and supervision fee that is based on either of the following must also be paid to Council:

- q) 12% of the contractor's quotation (subject to Council's concurrence that the quotation represents an accurate costing)*

or

- r) a design checking and supervision fee that has been based on a minimum hourly rate of \$105.00 per hour over a minimum 100 hours for Council personnel. The final cost based on this costing method being determined at the completion of and acceptance of the stormwater drainage works by the Director of Asset and Infrastructure Services.*

Note that should the Construction Certificate plans and/or the approved construction work be continued after 6 months from the date of the Council approval of this development application, then the applicant shall enter into further negotiations with the Director of Asset and Infrastructure Services to adjust the final hourly rate.

Any fees or bonds/security deposits will be required to be paid prior to the commencement of any works. Any enquiries regarding this matter can be directed to Council's Asset & Infrastructure Services Department on 9399 0922 or 9399 0923

Internal Stormwater

139. *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.*
- i) *A drainage plan and longitudinal section with all utility services accurately plotted for the reconstructed 450 mm diameter stormwater pipeline in Maroubra Road must be provided.*

To maximise the capacity of the stormwater drainage system, the connection point of the proposed 450 mm diameter pipeline to the 1500 mm diameter pipeline shall be in the direction of the flow of the stormwater and at a maximum angle of 30⁰.

140. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assent*

and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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.

141. *All site stormwater must be discharged by gravity to the kerb and gutter or drainage system. This condition is required to provide a satisfactory overland flow route should a storm in excess of the above parameters occur.*
142. *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.

143. *The detention areas must be regularly cleaned and maintained to ensure it functions as required by the design.*
144. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
145. *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.*
146. *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.*
147. *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.*
148. *A work-as-executed plan prepared and signed by the hydraulic engineer and 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)*

149. All stormwater from the car park area and the "Town Centre" shall be discharged through a Stormwater Pollution Control Device (SWPC). The SWPC shall be capable of the collection and containment of liquids, sediments and trash from the site.

A construction management plan for the SWPC shall be submitted and approved by the Certifying Authority. The management plan shall ensure that the SWPC is regularly cleaned and that no detergents or chemicals are used in the cleaning of these areas.

All other site stormwater shall be discharged through a suitable sized sediment/silt arrester pit within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system. The sediment/silt arrester pit shall be constructed with:-

- 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). The bottom 450 mm portion of the screen shall be fitted with a suitable permanent material that will prevent fine silt that is suspended in the stormwater from draining from the site.*
- A child proof and corrosion resistant fastening system for the access grate (e.g. 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.

150. Seepage must be drained directly into an absorption pit.

151. 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.

152. The garbage storage area is to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation and a copy of the consent must be forwarded to the certifying authority and the Council.

153. Twenty six covered car washing bay/s shall be provided for this development in the

visitor parking bays. The washing bays shall be located at convenient locations in the car park and not be grouped together.

- 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 bay/s must be constructed with a minimum 20mm bund (or equivalent) around the perimeter of the car washing bay/s.*

154. The proposed internal entry and exit vehicular driveways and pedestrian entry/exits in Boyce Road, Piccadilly Place and Bruce Bennetts Place must be designed with high points at least 150 millimetres above the adjacent 1 in 100 year flood level and in such a manner as to reduce the possibility of floodwater entering the building. (This must include any adjacent landscaping areas). This condition is required because the subject development site is located adjacent to a major stormwater system and associated overland flowpath.

This condition must be complied with, without any increase in the height of the building or increase in any floor levels above natural ground level. Any variations to the heights or levels of the building work necessitate the prior development consent from the Council before the issuing of a construction certificate.

155. 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.

156. As the above site may be present within a fluctuating water table the basement carpark and other similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify that the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Note:- Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.

157. Prior to the commencement of site construction and/or demolition works a sediment and erosion control plan, (generally in accordance with the EPA's Managing Urban Stormwater: Construction Activities), shall be submitted to and approved by the Certifying Authority.

Such sediment and erosion controls shall to be regularly inspected and maintained and continued until the occupation of the development. Particular attention shall be undertaken when the cleaning of car park areas with concrete and building dust is carried out.

158. Construction zone run-off controls (haybales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. The

Certifying Authority will require weekly reports on effectiveness/maintenance of all sedimentation controls and practices.

Alignment Level Conditions

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

159. *The Council's Department of Asset & Infrastructure Services has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*

Anzac Parade

- *2.5% above the top of the kerb at all points opposite the kerb, along the full site frontage.*

Boyce Road

- *2.5% above the top of the kerb at all points opposite the kerb, along the full site frontage.*

Bruce Bennetts Place

- *2.5% above the top of the kerb at all points opposite the kerb, along the full site frontage.*

Piccadilly Place

- *2.5% above the top of the kerb at all points opposite the kerb, along the full site frontage.*

Maroubra Road

- *2.5% above the top of the kerb at all points opposite the kerb, along the full site frontage.*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0924.

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

160. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
161. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$8326.00 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.*

Service Authority Conditions

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

162. *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.

163. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or AGL/Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
164. *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.*
165. *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.*

Waste Management Conditions

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

166. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction. The Waste Management Plan shall generally be in accordance with the document prepared by Crone Nation Architects dated 16/7/2002 and titled "Waste Management Statement – Revision B".*

Landscape Conditions

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

167. *Detailed landscape drawings and specifications, 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. The landscape plan shall show a minimum number of 6 x 200 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - h. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - i. Location of easements within the site and upon adjacent sites (if any).*
- 168. 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.

- 169. The applicant shall submit a landscape design for the Anzac Parade, Maroubra Road, Piccadilly Place, Bruce Bennetts Place and Boyce Road street frontages of the development in accordance with Council's Urban Design Guidelines for Maroubra Commercial Centre. The landscape design shall include pavements, seat, bin and bus*

shelter retention/relocation and 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.

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 \$6,000.00 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 Anzac Parade, Maroubra Road, Piccadilly Place, Bruce Bennetts Place and Boyce Road site frontages.

170. *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.

171. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
172. *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

173. *The applicant shall submit a total payment of \$81,680.00 to Council,*

- a. *Being the cost for Council to remove the existing nineteen (19) Casuarina cunninghamiana (She-oak) street trees located in the Boyce Road nature strip (\$7,410.00), and*
- b. *Being the cost for Council to supply and install 10 x 100 litre street trees in the Boyce Road nature strip and 4 x 100 litre street trees in the Bruce Bennetts Place nature strip at the completion of all works (\$8,890.00), and*
- c. *To compensate Council for the loss of amenity caused by the removal of the street trees (\$65,380.00).*

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.

174. *Approval is granted for the removal of the following trees:*

- s) *Thirteen (13) Arecastrum romanzoffianum (Cocos Palms) located within the existing level one balcony area.*
- t) *Four (4) Arecastrum romanzoffianum (Cocos Palms) located within the existing level one balcony area.*
- u) *Nine (9) Arecastrum romanzoffianum (Cocos Palms) located within the existing level two balcony area.*
- v) *Five (5) Melaleuca quinquenervia (Paperbark Trees) located within the development site towards the western end of Boyce Road.*
- w) *One (1) Casuarina cunninghamiana (She-oak) located within the development site towards the western end of Boyce Road.*
- x) *One (1) Ficus species (Fig Tree) located on the northern corner of Bruce Bennetts Place and Piccadilly Place.*

Tree Protection Measures

175. *In order to ensure the retention of the three (3) Celtis australis (Nettle Tree) located within Council's nature strip along the Maroubra Road frontage 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. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels, cutting or battering of the existing soil profile, or any excavations within a radius of 2 metres from the outside edge of the tree trunks.*
- c. *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.

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

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. *Watering of the trees (within the fenced off area) three times a week for the duration of the construction period.*
- f. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

176. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$10,000.00 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.*

C. *Council amend the Section 94 Contributions Plan to include in the schedule of works an upgrade to increase the capacity of the drainage system Walsh Avenue.*

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:

- | | | | |
|-----------|-----------------------------|----------|---|
| <i>a)</i> | <i>Part B1</i> | <i>-</i> | <i>Structural provisions</i> |
| <i>b)</i> | <i>Part C1</i> | <i>-</i> | <i>Fire resistance and stability</i> |
| <i>c)</i> | <i>Clause C2.6</i> | <i>-</i> | <i>Vertical separation of openings in external walls</i> |
| <i>d)</i> | <i>Clause C3.2&C3.4</i> | <i>-</i> | <i>Protection of openings in external walls</i> |
| <i>e)</i> | <i>Part D1</i> | <i>-</i> | <i>Provisions for escape</i> |
| <i>f)</i> | <i>Clause D1.4</i> | <i>-</i> | <i>Exit travel distances</i> |
| <i>g)</i> | <i>Part D3</i> | <i>-</i> | <i>Access for people with disabilities</i> |
| <i>h)</i> | <i>Clause D3.5</i> | <i>-</i> | <i>Car parking for people with disabilities</i> |
| <i>i)</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i> |
| <i>j)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>k)</i> | <i>Part E3</i> | <i>-</i> | <i>Lift Installations</i> |
| <i>l)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs and warning systems</i> |
| <i>m)</i> | <i>Part F4</i> | <i>-</i> | <i>Light and ventilation</i> |
| <i>n)</i> | <i>Part F5</i> | <i>-</i> | <i>Sound Transmission and 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: (Seng/Notley-Smith) that Council as the responsible authority refuse its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 255/02 for demolition of the existing shopping centre and carpark and construction of a new mixed use development comprising ground floor, mezzanine and part first floor retail/commercial, 551 residential units and associated basement carparking at 707-745 Anzac Parade, Maroubra as this application fails to support SEPP No. 1 and represents an overdevelopment of the site, particularly the building height being increased from 24m to 33m and the excessive floor space ratio. **LOST.**

A division was called for by Crs Matson & 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 Matthews
	Cr Procopiadis
	Cr Schick
	His Worship the Mayor, Cr D. Sullivan

Cr Tracey
Cr White
Cr Whitehead

FURTHER MOTION: (Andrews/Bastic) SEE RESOLUTION.

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

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

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 79/2002 - USE OF STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO. 1 IN DEVELOPMENT APPLICATIONS - UPDATE FOR FIRST QUARTER OF 2002/03 FINANCIAL YEAR. (98/S/3412)

H81 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Andrews) that the Health, Building & Planning Committee receive and note the Director Planning & Community Development's Report 79/2002.*

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

6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 80/2002 - DRAFT COMMUNITY PLAN OF MANAGEMENT FOR A PROPOSED NATIONAL PARK ON MALABAR HEADLAND (98/S/0975)(2)

H82 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Andrews) that:*

- (a) the Health Building and Planning Committee resolves to endorse the principles of the Draft Community Plan of Management for Malabar Headland and the comments provided by Council Officers; and*
- (b) the Council writes to Friends of Malabar Headland (FoMH) commending them on the production of the draft plan and advising them of the committee's endorsement.*

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

**6.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
82/2002 - DONCASTER VILLAGE MASTER PLAN - 240-268 ANZAC
PARADE & 101-105 DONCASTER AVENUE, KENSINGTON. (98/S/3815(2)
xr 98/S/4330(4))**

H83 *RESOLUTION: (Procopiadis/His Worship the Mayor, Cr D. Sullivan) that this application be deferred for a period of two weeks pending the adoption of the DCP.*

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

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.50 p.m.

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CHAIRPERSON