

**MINUTES OF ORDINARY COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 10TH DECEMBER, 2002 AT 6.11 P.M.**

PRESENT:

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

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

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis (from 8.26 p.m.)
Central Ward	-	Crs C. Bastic (from 8.26 p.m.), T. Seng and A. Andrews (from 6.28 p.m.)

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager Environmental Health & Building Services	Mr. R. Wereszczynski.
Performance Improvement Officer	Ms. S. Ianni
Manager Planning, Policy & Performance	Ms. K. Walshaw.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Manager Financial Services	Mr. B. Gregan.

1. COUNCIL PRAYER

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

2. APOLOGIES.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 26TH NOVEMBER, 2002.**

323 **RESOLUTION:** (*Schick/White*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 26th November, 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: (*Schick/Daley*) that the meeting be adjourned at 6.12 p.m. to permit members of the public entitled and wishing to address the assembled Councillors and was further adjourned at 7.33 p.m.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Ms Ruth Bernard, 6A Dutruc Street, Randwick on Item 7.3, Director Asset & Infrastructure Services' Report 146/2002 - Bus Shelters.
2. Mr Tom Cox, 6 Dolphin Street, Randwick on Item 8.1, Director Planning & Community Development's Report 100/2002 - 8 Pine Street, Randwick.
3. Ms Kate Collier, 90 Dolphin Street, Coogee on Item 8.2, Director Planning & Community Development's Report 101/2002 - 102-106 Brook St Coogee.
4. Mr Paul McGuigan, 3 Cromwell Place, Malabar on Item 8.3, Director Planning & Community Development's Report 102/2002 - 3 Cromwell Place Malabar.

(Cr Andrews attended the meeting at this stage, the time being 6.28 p.m.)

5. Mrs M Fenwick, 20 Close Street, South Coogee on Item 8.4, Director Planning & Community Development's Report 103/2002 – 194R Alison Road, Randwick. (Southern Portion Of Alison Park).
6. Ms Alex Verge, 3 Abbey Street, Randwick on Item 8.4, Director Planning & Community Development's Report 103/2002 – 194R Alison Road, Randwick. (Southern Portion Of Alison Park).
7. Mr Robert Frew, 24 Torrington Road, Maroubra on Item 8.9, Director Planning & Community Development's Report 108/2002 - 9 Ron Filbee Place, Maroubra.
8. Mr John Spiteri, 31A Tierney Avenue, Eastgardens on Item 8.9, Director Planning & Community Development's Report 108/2002 - 9 Ron Filbee Place, Maroubra.
9. Mr Robert Laurendet, 20 Dangar Street, Randwick on Item 8.10, Director Planning & Community Development's Report 109/2002 - 88-98 King Street, Randwick.
10. Mr Alex Delavega, 335 Edgecliffe Road, Woollahra on Item 8.10, Director Planning & Community Development's Report 109/2002 - 88-98 King Street, Randwick.

(Mr James presented a plaque to the Mayor at this stage, acknowledging the support provided to the Surf Club by the Council during the past year.)

11. Mr Geoff James, 3 Campbell Street, Clovelly on Item 8.12, Director Planning & Community Development's Report 111/2002 - Clovelly Surf Life Saving Club, Application To The Licensing Court Of N.S.W. By Jennifer Eliades For The Grant Of A Caterer's Licence Pursuant To S. 18 Of The Liquor Act 1982.
12. Mr Phillip Thalys, 68-72 Wentworth Street, Surry Hills on Item 8.13, Director Planning & Community Development's Report 112/2002 - Demolish Existing Building and Erect a New Dwelling House at 145 Brook St, Coogee.

The meeting was resumed at 8.26 p.m. with Councillors Bastic and Procopiadis in attendance.

5. MAYORAL MINUTES.

**5.1 MAYOR'S MINUTE 83/2002 - COOGEE CAROLS AND AUSTRALIA DAY.
(98/S/0625 xr 98/S/3057)**

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

- (a) *Council vote to cover the costs associated with conducting Coogee Carols which is estimated to be approximately \$12,500 and that these funds be taken from the Councillors' Bid Vote; and*
- (b) *it be noted that Australia Day 2003 Concert entitled "Salsa by the Sea" will be held at Maroubra Beach.*

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

5.2 MAYOR'S MINUTE 84/2002 - STATUTORY FINANCIAL REPORTS - YEAR ENDED 30 JUNE 2002. (98/S/0043)

(Council's Auditor, Mr Ken Crawford, Spencer Steer, addressed the Council on this item.)

325 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that the contents of the Mayor's Minute 84/2002 be received and noted.

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

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 25/2002 - AFFIXING OF COUNCIL'S SEAL. (P/001615)

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

- (a) *Council's Seal be affixed to the Deed of Consent to the assignment of the lease between Council and Deruli Pty Ltd for the purpose of carrying on a business of coffee lounge, restaurant and bar at 34-38 Belmore Road, Randwick; and*
- (b) *Where possible, future reports on the affixing of Council's Seal identify the actual business premises and business name.*

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

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 144/2002 - MOVEABLE FOOTWAY (A-FRAME) SIGNAGE POLICY DEVELOPMENT CONSIDERATIONS. (98/S/1802)

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

- (a) *Council adopt in principle the Draft Policy on Moveable Footway (A-Frame) Signs subject to Council's Planning and Community Development Department preparing an amendment to the "Outdoor Advertising" Development Control Plan that would permit the erection of A-Framed signage, in accordance with Council's specifications*

and conditions, and refer the Draft Policy to Council for further consideration upon amendment of the DCP.

- (b) *A report in relation to the Signage Policy and enforcement be brought back to Council in six (6) months after the first license is issued and, in the interim, the Randwick City Access Committee be invited to comment on the impact of the signs being located on the footpaths.*

MOTION: (Daley/Bastic) SEE RESOLUTION.

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 145/2002 - TENDER 20/02 - STORMATER PIPE RELINING WORKS PROGRAMME (98/S/2835)

328 **RESOLUTION: (Andrews/Daley) that:**

- (a) *Council accepts Tyco Water's tender and enter into a contract for the relining of the Coogee Basin Trunk Drainage System;*
- (b) *Council accepts Tyco Water's tendered schedule of rates to undertake various pipe relining and pipe repair services for a period of one year expiring on the 31 January, 2004;*
- (c) *Council authorise the Mayor and General Manger to sign contract documents as necessary to enter into these contracts; and*
- (d) *authority be granted for the Council's Common Seal to be fixed to both contracts 20/02 between Council and Tyco Water.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 146/2002 - BUS SHELTERS. (98/S/0959(part 5))

329 **RESOLUTION: (Tracey/Procopiadis) that Council:**

- (a) *require the STA to demolish three brick bus shelters located at Clovelly Road at the Glebe Street closure, Mons Avenue, south of Maroubra Road, Maroubra and Bream Street, corner of Mount Street, Coogee as a matter of urgency;*
- (b) *recognises the importance of the heritage tram shelter at the corner of Avoca Street and Frenchman's Road and:*
- i. instructs Council's officers to formally approach the STA to take over ownership of the shelter;*
 - ii. forthwith takes over the regular cleaning and maintenance of the shelter;*
 - iii. seeks the co-operation of the community, through the local Precinct Committee, to help to maintain and protect the shelter;*
 - iv. will report any acts of vandalism to the Police and seek increased Police surveillance of the shelter;*
 - v. arrange for a rubbish bin to be installed and the extension of the seat facing due east; and*

- vi. *review whether the rear area should be closed off.*
- (c) *advise the Hon Ernie Page, Member for Coogee, of its actions in relation to the shelter at Clovelly Road, at the Glebe Street closure; and*
- (d) *arrange for replacement shelters and a bus seat at the above relevant locations as detailed in the report.*

MOTION: (Tracey/Procopiadis) SEE RESOLUTION.

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 147/2002 - PARKING STUDY. (98/S/2714)

330 **RESOLUTION: (Daley/Andrews)** *that the Director Asset and Infrastructure's Report 147/2002 be received and noted.*

MOTION: (Daley/Andrews) SEE RESOLUTION.

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 148/2002 - ANZAC PARADE, LITTLE BAY - PROPOSED NARROWING OF ROAD VERGE. (R/0031/01)

331 **RESOLUTION: (Daley/White)** *that Council make application to close and sell the sections of Anzac Parade road verge shown on the diagrams(note that the road verge will be maintained at a width of 4m), subject to:*

- (a) *All survey and legal costs to be borne by the Landcom;*
- (b) *Council briefing its own valuer to set a reasonable value for the land in question;*
- (c) *Landcom ensuring that none of the public utility authorities including AGL, Energy Australia, Telstra, etc. have any objection to the closure and sale of the subject lane; and*
- (d) *Landcom advising the Council of the acceptance of all of the above conditions and providing Council with payment of the application fee and all other fees required by the Department of Land and Water Conservation prior to Council making application for this closure.*

MOTION: (Daley/White) SEE RESOLUTION.

A division was called for by Crs Notley-Smith and 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 Matthews	Cr Whitehead
Cr Procopiadis	
Cr Schick	

His Worship the Mayor, Cr D. Sullivan
Cr Tracey
Cr White

8. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

**8.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
100/2002 - 8 PINE STREET, RANDWICK. (D/0260/2002)**

332 **RESOLUTION:** *(Daley/Tracey) that this application be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 17th December, 2002.*

PROCEDURAL MOTION: (Daley/Tracey) SEE RESOLUTION.

**8.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
101/2002 - 102-106 BROOK ST COOGEE. (D/0295/2001)**

(Cr Daley declared an interest in this item as he is a Director of the Randwick Rugby Club and he left the Chamber and took no part in the discussion and voting.)

333 **RESOLUTION:** *(Backes/Andrews) that Council, as the consent authority, refuse its consent under Section 96 of the Environmental Planning & Assessment Act 1979 (as amended) to modify development consent number 295/00 for the following reasons:*

1. *the proposed increase in the FSR will result in a building of excessive bulk and scale;*
2. *the proposed increase in height is excessive and would result in a significant breach of Council's maximum height standards;*
3. *the proposal would result in an unreasonable impact on the privacy of adjoining and neighbouring properties;*
4. *the proposed additions would cumulatively impact in an adverse manner on the residential amenity of the locality;*
5. *the proposal does not constitute substantially the same development as approved under Section 96 of the EP&A Act.*

MOTION: (Backes/Andrews) SEE RESOLUTION.

**8.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
102/2002 - 3 CROMWELL PLACE MALABAR. (D/0928/2002)**

(Cr Daley returned to the Chamber at this stage of the meeting.)

334 **RESOLUTION:** *(Daley/White) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. D/928/2002 for permission for new garage with terrace over, to the front of an existing dwelling house for 3 Cromwell Place Malabar subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the plans numbered 1 of 3 to 3 of 3, dated 27 September 2002 and received by Council on 30 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:

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:

2. *Surface water/stormwater must be drained and discharged to the street gutter or 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:

3. *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.*
4. *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.

5. *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.

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:

6. *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.*
7. *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.*
8. *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.*
9. *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 standards of construction, is to be maintained by the principal certifying authority.

10. *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 & Building Services.*
11. *Building materials, sand, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time.*
13. *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 exempt under Councils Local Approvals Policy.*

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

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

a) \$700.00 - Vehicular crossing deposit

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

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

15. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a. *Construct a concrete vehicular between the existing layback and the property boundary opposite the vehicular entrance to the site.*
16. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's roadway.*
17. *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:

18. *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 the driveway/new garage shall be:*
 - ***600mm above the back of the existing layback at all points opposite the layback.***

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

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

19. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing layback 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.*
20. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$68.20 (inclusive of*

GST). This amount is to be paid prior to a construction certificate being issued for the development.

21. *The top of footings of any new structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

22. *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.*
23. *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 landscaping and to maintain reasonable levels of environmental amenity:

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

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

25. *Permission is granted for the selective pruning of overhanging branches from the one (1) *Metrosideros excelsa* (New Zealand Christmas Bush) located within the front yard of the site. Permission is granted to pruning only branches that will affect the proposed garage construction. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

ADVISORY MATTERS:

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

MOTION: (Daley/White) SEE RESOLUTION.

**8.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
103/2002 - 194R ALISON ROAD, RANDWICK. (SOUTHERN PORTION OF
ALISON PARK) (D/0991/2002)**

(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON TUESDAY, 17TH DECEMBER, 2002.)

335 **RESOLUTION:** (*Tracey/Andrews*) that:

- A. *Council as the responsible authority and in accordance with subclause 40A(2)(a) of the RLEP98 waive the master planning requirements for the site as the works are minor and ancillary in nature.*
- B. *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/0991/02 for construction of a new building containing a café, covered terrace and associated kitchen at 194R Alison Road (Alison Park), Randwick, subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans drawn by Hill Thalys Architecture + Urban Projects P/L numbered DA01 through to DA05, dated Sept 2002, stamped received by Council on 21/10/02, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans.*
2. *Appropriate handrails are to be provided to the eastern edge of the terrace stairs on the southern elevation of the building to assist persons with limited mobility. Details of handrails are to meet relevant BCA and Australian Standards criteria for accessibility and are to be included in the application for a Construction Certificate.*
3. *The hours of operation of the café are to be limited to 7.00am to 8.00pm, 7 days a week. This condition is imposed to clarify the hours of operation in order to minimise any amenity impacts.*
4. *Any licensing of the premises for the serving or consumption of alcohol is to form a separate application to the relevant authority. This consent does not provide for the serving or consumption of alcohol purchased on the premises or elsewhere, within the café area or Alison Park in general.*
5. *The use of the café and terrace seating area for private functions is to be prohibited as part of the licence agreement required by Condition 18. This condition is imposed in order to ensure equity of access to café facilities.*
6. *Fully operable doors to all sides of the terrace seating area are to be annotated on the plans, elevations and sections submitted with the Construction Certificate application. The doors are to be shown where dotted lines indicate aluminium-framed windows and mesh over at present (enclosing the area between the second last column to the north and south and the east and west rows of columns). This condition is imposed to clarify minor inconsistencies with the plans that have been confirmed verbally with the Architects and to ensure that adequate security is provided to the development out of operating hours.*

7. *The toilet and garbage storage room are to be secured outside of operating hours to minimise opportunities for vandalism to these areas. External locks are to be provided to the doors to each of these areas and are to be included in the schedule on the plans accompanying the Construction Certificate application.*
8. *The colours, materials and finishes of the external surfaces to the building are to be compatible with its setting and with adjacent surfaces and structures. 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.*
9. *The playing of amplified music in the café is not to interfere with the general enjoyment of the park area and is to be kept to background levels. This condition is imposed to ensure that the amenity of the park and surrounds is maintained. A clause is to be included in the Operations Plan (to be submitted with the application for a Construction Certificate), which reinforces the requirements of this condition.*
10. *The plans submitted with the application for a Construction Certificate are to include details of the proposed lighting scheme for the building. Appropriate lighting levels for are to be established using the relevant Australian Standards. This condition is imposed to ensure adequate lighting of the public domain for safety and surveillance and to ensure the lighting scheme for the building is compatible with its setting and will not detract from the surrounds.*

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

11. *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.*
12. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

13. *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.

14. *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:

15. *Roofwater discharge from the site is to be piped to Council's kerb and gutter in Alison Road.*

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

16. *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.*

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

17. *Permission is granted for the removal of one (1) Cupressus sempervirens (Pencil Pine) located within the park, closest to the proposed development.*

The following conditions are applied to meet the requirements of Council's Development Control Plan "Restaurants on Public Road Footways, Airspace Above Roads and Public Land".

18. *Prior to operation of the proposed café seating the applicant shall enter into a formal license agreement with Council covering the terms and conditions of the café seating classed as outdoor seating (i.e. the seating outside the bi-fold door line). The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal license agreement.*
19. *The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.*

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area.*
- b. *The policy must name the Council as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first given the Council ten (10) days prior written notice.*
- c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the*

Council

20. *The Licensee shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.*
21. *The style and colour of the furniture to be used in the café seating area shall be in accordance with the Development Control Plan “Restaurants on Public Road Footways, Airspace Above Roads and Public Land”. No advertising or other structures shall be installed without the prior written consent of Council. Design details of the proposed furniture shall be submitted to Council for approval, and approved, prior to the execution of a formal license agreement between Council and the applicant.*
22. *The applicant shall meet all other requirements of Council’s Development Control Plan “Restaurants on Public Road Footways, Airspace Above Roads and Public Land”.*
23. *The applicant shall ensure that the café outdoor seating area is maintained in a clean and tidy condition at all times. It is noted that this includes high pressure water blasting to clean the footpath restaurant area at least once every 6 months or as directed by Council’s officers.*
24. *The café operator shall ensure that the pavement of the café outdoor seating area is maintained free of grease and other foodstuffs at all times.*
25. *The café operator shall, during the term of the agreement with Council, abide with any current or future Council Policy, Resolution or directive relative to the consumption of alcohol in public spaces.*
26. *The applicant shall abide with any directive given by any utility authority in relation to access requirement to any utility within the proposed lease area.*

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:

27. *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 L_{10} sound pressure level which is 5dB(A) greater than the A-weighted L_{90} background sound pressure level, measured at any other premises or within any other premises.
28. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
29. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council, prior to a construction certificate being issued for the development, certifying that noise and vibration emissions from the development will*

comply with the provisions of the Protection of the Environment Operations Act 1997 and relevant conditions of approval.

30. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's approval.*

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

31. *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 the commencement of any works.***

The plan shall detail the type and quantity of waste to be generated by the development, facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

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

32. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*

33. *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.*

34. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans/specifications for the construction certificate.*

35. *Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.*

*Details of the proposed emission control equipment must be submitted to and approved by Council's Manager of Environmental Health and Building Services in accordance with Section 80A(2) of The Environment Protection and Assessment Act 1979 **prior to issuing the construction certificate** for the development.*

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

36. *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.*

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:

37. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
38. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and compliance with Council's approval is to be maintained by the Principal Certifying Authority.

39. *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.*
40. *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.*
41. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
42. *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.*
43. *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.*
44. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities*

must be connected to a public sewer or other sewage management facility approved by Council.

45. *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.*
46. *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.

Fences or hoardings 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.

Details of the proposed temporary fences located upon the site are to be submitted to and approved by Council 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.

47. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
48. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

49. *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.

The following conditions are applied to provide access and facilities for people with disabilities:

50. *Access and sanitary facilities for persons with disabilities being provided to the proposed Café / Restaurant, in accordance with Parts D3 and F2 of the Building Code of Australia. Details of compliance is required to be provided in the relevant plans and specifications for the **construction certification** for the development.*

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

51. *The premises is to be designed and constructed in accordance with the Council's Food Premises Code and details of compliance are to be included in the plans and specification for the construction certificate to the satisfaction of the certifying authority.*
52. *The design and construction of food premises must comply with the following requirements, as applicable:-*
- *The floors of kitchens, food preparation areas and the like are to be constructed of materials, which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - *The intersection of walls with floor and plinths is to be coved, having a minimum radius of 25mm.*
 - *Walls of the kitchen preparation areas and the like are to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.*
 - *Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*

- *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
 - *All stoves, refrigerators, Bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
 - *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particle board or similar material is not permitted unless laminated on all surfaces.*
 - *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all door and window openings, and an electronic insect control device is to be provided within the food premises.*
 - *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.*
 - *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
 - *Wash hand basins being provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
 - *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
 - *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.*
53. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA, Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) and detailing the required emission control equipment are to be submitted to and approved by:*

Council's Director of Planning and Environment Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the subject works.

54. *The food premises must comply with the following requirements:-*

- *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works..*
- *Council is to be notified upon completion of work and prior to occupancy, to enable the premises to be inspected by Council's Environmental Health Officer and the premises must be registered with the Council as a food premises (on an annual basis) prior to the issuing of an **occupation certificate**.*

C. *Council review the resident parking arrangements in Abbey Street and all other streets around Alison Park with a view to alleviating the impact of the development on local residents.*

MOTION: (Tracey/Andrews) SEE RESOLUTION.

**8.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
104/2002 - 7 ROBERTS AVENUE, RANDWICK. (DA 652/02)**

336 **RESOLUTION: (Tracey/Procopiadis)** *that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to delete Condition No. 2 of development consent number 652/02 relating to a hard stand car space.*

MOTION: (Tracey/Procopiadis) SEE RESOLUTION.

**8.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
105/2002 - BUILDING CERTIFICATION SERVICES SURVEY. (98/S/3830)**

337 **RESOLUTION: (Andrews/Daley)** *that:*

- (a) *the Director Planning & Community Development's Report 105/2002 on the Building Certification Services' survey be noted; and*
- (b) *relevant personnel be commended for their commitment to the Building Certification Services' business unit and continuous improvements in customer service.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

**8.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
106/2002 - 3R MARINE PARADE, MAROUBRA (PAVILION CAFE -
MAROUBRA BEACH). (D/0433/2002)**

338 **RESOLUTION: (Daley/Bastic)** *that Council's original Determination of Development Application No.02/00433/GQ dated 2 September 2002 to Section 82A Review of*

Determination to enclose the open dining area of the Pavilion Café and to extend the licensed area of the café to provide outdoor seating area be amended as follows:

Condition No.10 is deleted and replaced by the following:

10. *Prior to the operation of the extended seating area, the existing Licensee Agreement shall be amended to reflect the changes to the building and to the limits of the Licensed seating area. All costs associated with amending the license agreement shall be met by the Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café). The applicant is advised to contact Council's Property Compliance Officer, (9399-0899), regarding Council's requirements for the formal license agreement.*

MOTION: (Daley/Bastic) SEE RESOLUTION.

(Cr Matson requested that his name be recorded as opposed to the resolution.)

8.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 107/2002 - 89-91 BOYCE ROAD, MAROUBRA. (D/285/96 'D')

339 **RESOLUTION: (Andrews/Daley)** *that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.96/00285/DG on property No.89-91 Boyce Road, Maroubra in the following manner:-*

1. That Conditions No.s 1, 56, 75 be amended to read:

- '1 *The development must be implemented substantially in accordance with the development consent dated 19 November 1996, as amended by the Section 102 application received on 2 May 1997 and the additional material received on 17 July 1997 and fax dated 24 July 1997, and further amended by the Section 96 application and the accompanying plans with Sheet Nos. A11 to A19 – Issue A dated as received by Council on 4 May 2001 except as superseded by the amendments made under the Section 96 application and the accompanying plans with Sheet No. A11-D dated as received by Council on 24 October 2002 and Sheet Nos. A12-E, A13-C, A14-C, A15-C, A17-C dated as received by Council on 17 October 2002 except as may be amended by the following conditions:"*
56. *Four (4) covered car wash bays shall be provided for the development. The car washing bays must be drained to sewer to the requirements of Sydney Water. Proof of Sydney Water's approval shall be submitted to Council prior to release of the Construction certificate. Note, the car washing bays shall be located outside any required/ approved stormwater detention system and shall be suitably signposted. Visitor parking bays (other than any required parking bays for the disabled may also be used as car wash bays.*
75. *The allocation of car parking spaces in the ground floor car park shall be as follows and will be clearly marked on the spaces:*
 - *Eight (8) spaces are to be provided for residential visitor parking*
 - *One (1) space is to be provided for use by tenants of the commercial units*
 - *One space being visitor space 9 be provided as a car parking bay for the*

- disabled and shall have a minimum width of 3.2m*
- *Visitors spaces Nos.6 and 7 are to remain as carwash bays and visitors spaces 4,5 shall also be provided as carwash bays*

The allocation of car parking spaces on basement level 1 shall be as follows and will be clearly marked on the spaces:

- *Three (3) spaces (Spaces 1,2 and 3) are to be provided for residential visitor parking and are to be secured via an intercom system provided at the driveway entry.*

Details of compliance are to be included in the construction certificate plans.

2. That Condition Nos. 16 be deleted in favour of the following condition:

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

- '16. *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 \$75,386.22. 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 \$33,332.68. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of townscape improvements in the Maroubra Junction town centre for an amount of \$2,975.40. 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 carparking in lieu of on site provision for an amount of \$22,250.00. 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.

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.

3. That the following additional conditions be imposed:

116. *Fourteen (14) bicycle parking spaces are to be provided in a secure location on the basement level 1 for the use of building residents.*

Five (5) bicycle parking spaces are to be provided in a secure location on the ground floor for the use of residential visitors and commercial visitors.

The bicycle parking is to be provided in accordance with the guidelines in Council's DCP – Parking. Details of the bicycle parking are to be included in the Construction Certificate application.

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

117. *The commercial garbage bin storage area shall be partitioned/separated from the residential garbage bins in the compactor room. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

118. *The commercial garbage bin storage area and the residential garbage rooms shall be clearly signposted.*

119. *The garbage bin storage areas shall be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

**8.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
108/2002 - 9 RON FILBEE PLACE, MAROUBRA. (D/1136/2001)**

340 **RESOLUTION: (Bastic/Tracey) 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.. 1136/2001 on property 9 Ron Filbee Place, Maroubra in the following manner:*

- *Amend Condition No. 1 to read:*

REFERENCED PLANS:

"1. The development must be implemented substantially in accordance with the plans comprising of four (4) sheets numbered 00.163 issue C, dated October 2000 and received by Council on 12/02/2001 as amended by plans drawn by Geoform numbered 01 & 02 dated May 25 and received by Council on 20 November 2002 and plans drawn by John Spiteri numbered A.11.2 dated Oct 2000 and received by Council on 20 November 2002 and the fax consisting of one page, drawing Number CC03 and received by Council on 26 November 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 new condition Nos:

17. *In order to minimise overlooking concerns, the deck at the rear south-eastern side of the building is to be reduced in depth by 1.5m in order to maintain a 3.4m setback from the edge of the building, while the landing at the top of the stairwell is to be increased in depth by 1.5m.*
18. *The parapet walls along the perimeter of the building be deleted as they create additional unnecessary bulk to the building and are excessive in scale relative to the surrounding development. Further, the parapet walls will result in the area between the guardrail and the parapet becoming trafficable.*

MOTION: (Bastic/Tracey) SEE RESOLUTION.

**8.10 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
109/2002 - 88-89 KING STREET, RANDWICK. (D/0540/02)**

341 **RESOLUTION: (Tracey/Daley) 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, 33(2) and 33(4) 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 D/05402002 for the erection of a multi-unit housing development containing 93 dwellings in 4 buildings, associated basement carparking containing 130 residential carspaces and 60 State Transit Authority carspaces, and stratum sub-division of the basement carpark at 88-98 King Street, Randwick subject to the following conditions:-*

Deferred Commencement Conditions

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

1. *The dewatering of the site must not result in the settlement of any buildings located upon any adjoining premises and a report must be prepared by a suitably qualified Structural and/or Geotechnical Engineer detailing the proposed methods of dewatering, excavation and relevant construction works, which demonstrates that the works would not result in the settlement of buildings located upon the adjoining premises.*

Should the method of dewatering/excavation change, from the details provided with the development application, the report may have to be forwarded to the Department of Land and Water Conservation for their consideration and approval.

2. *The finished ground levels around the base of the chimney and the extent of excavation and other works associated with the basement car park are to be determined having regard to the conservation plan prepared by Brian McDonald and Associates in 1994. A structural analysis is to be prepared by a suitably qualified engineer which shall include, but not be limited to, site investigations to determine the distance the existing footings of the chimney project beyond the parts visible above ground, the condition of the existing footings of the chimney, the impact of the proposed development on the footing, and all necessary measures to ensure the long term stability and integrity of the chimney and its footing.*
3. *The colours and 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 (ie. a schedule and brochure/s or sample board) in relation to each elevation of all buildings are to be prepared.*

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

Development Consent Conditions

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

REFERENCED PLANS:

1. *The Development must be implemented substantially in accordance with the plans numbered DA01A to DA022A received by Council on 7 June 2002, and amended plans numbered DA01A, DA02A, DA03B, DA04B, DA05A, DA06A, DA07A, DA08B, DA09A, DA10B, DA11B, DA12A, DA13B, DA14A, DA15A, DA16B, and DA17B, received by Council on 21 October 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 floor to ceiling heights of Levels 2, 3 and 4 of the proposed Buildings 1 and 2 shall each be reduced by 100mm. Details are to be submitted for the approval of Council's Director of Planning and Community Development, **prior to the issuing of the construction certificate.***
3. *Details of the size, material and fixing of the proposed interpretative plaque are to be submitted with the construction certificate application. Details 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.*
4. *An archival recording of the chimney, including its base, shall be prepared and*

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 an occupation certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.

5. *The Conservation Plan for the brick chimney on the site, prepared by Brian McDonald and Associates in 1994, including option/proposal 2 in relation to earthquake stabilisation, shall be implemented in conjunction with the works which are the subject of this development application. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the Conservation Plan, to ensure timely maintenance and repair of the heritage item, based on technically sound and appropriate construction methods. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director of Planning.*
6. *The maintenance schedule is to cover the responsibility for organisation and funding of the conservation works. The Owners Corporation shall take responsibility for the on-going conservation works and a maintenance fund be established. A Section 88E instrument shall be prepared to cover the chimney and include the schedule of conservation works. The maintenance schedule and Section 88E instrument shall be prepared prior to an occupation certificate being issued for the development.*
7. *Conservations works on the heritage brick chimney shall be undertaken and completed being issued for the development.*
8. *All proposed car parking spaces shall have dimensions of 2.5m by 5.5m.*
9. *Four one-bedroom units shall be dedicated to Randwick City Council by Deed of Agreement prior to issue of an occupation certificate.*
10. *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.*
11. *All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
12. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
13. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the commencement of works.***
14. *An external clothes drying facility are to be provided in accordance with the provisions of the Building Code of Australia. This facility must be adequately screened by vegetation and details are to be incorporated into the landscaping plans,*

to the satisfaction of the certifying authority.

15. *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 instructions signage to provide for access to visitor spaces at all times.*

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

16. *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 \$134,465.82 This amount shall be paid by cash or bank cheque prior 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.*
17. *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 \$59,455.08 This amount shall be paid by cash or bank cheque prior 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.*
18. *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 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.*

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

19. *The conditions imposed in the Site Audit Statement numbered 2002/25 be incorporated into this development consent, including:*

A site management plan for the duration of the development works, be developed and approved by the appointed accredited site auditor and at the completion of the works a report be provided to the Site Auditor, and additionally the Director of Planning and Community Development of the Council.

That a relevant property management instrument be created to restrict the use of the Site's groundwaters, to the effect that groundwater must not be extracted from the site without the consent of the Department of Land and Water Conservation and additionally the concurrence of the Director of Planning and Community Development of the Council.

That, following the proposed earthworks for the basement car parking and landscaping, the site must be revalidated in a manner that has been approved by an accredited Site Auditor with a report provided to the Auditor, so that the Site Auditor can re-confirm the suitability of the land for its intended use to Council.

In this respect, a new Site Audit Statement and Summary Site Audit Report is to be submitted to and approved by the Council, prior to the commencement of any building works, which confirms that the site is suitable for the approved use. The Site Audit Statement is to be unconditional, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works.

20. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
21. *Prior to the commencement of any 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.*
22. *All remediation work shall be conducted within the following hours:*
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work is permitted on Sundays or Public Holidays

The following conditions are applied to ensure adequate environmental protection.

23. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
 - *Occupational health and Safety Act 1983 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
24. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*
25. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

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

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

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

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

28. *The recommendations outlined in the technical acoustic assessment titled “Lot 201 King Street, Randwick Industrial and Traffic Noise Intrusion Impact Assessment for Development Application” dated 20 November, 2002, prepared by Renzo Tonin and Associates Pty Ltd be incorporated into this development consent. Any control measures that alter the built form of the proposal require incorporation into the development plans and statement of environmental effects.*

29. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council, **prior to an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act, 1997 and the indoor performance criteria as specified in the technical acoustic assessment “Lot 201 King Street, Randwick Industrial and Traffic Noise Intrusion Impact Assessment for Development Application” dated 20 November, 2002 as prepared by Renzo Tonin and Associates Pty Ltd.*

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:

30. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*

31. *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.*

32. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

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

33. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the*

construction certificate.

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

34. *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 is 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 that adequate provisions are made for the management of waste from the development:

35. *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:

36. *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.*
37. *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:

38. *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**.*

39. *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:

40. *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.

41. *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.***

42. *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.*
43. *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.*
44. *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.*
45. *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.*
46. *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.*
 47. *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.

48. *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.*
49. *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*
50. *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.*
51. *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.*
52. *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.*
53. *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.*
54. *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.*
55. *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.

56. *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".*
57. *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.

58. *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.

59. *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.

60. *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.*

61. *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.

62. *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.*

63. *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:

64. *The building is required to be provided with a smoke alarm system complying with*

Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.

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

65. *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) \$10000.00 - 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.

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

66. *Pursuant to the Environmental Planning and Assessment Act 1979, Section 80(3) the Construction Certificate is not to be lodged until Council is 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 Darley Road, Govett Street, Govett Lane and King Street Randwick, as referred to in Conditions 67, 69, 70, 72, 105 and 110 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).*

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

- a) *Design & construct industrial strength concrete vehicular crossings and laybacks at kerb opposite the vehicular entrance/exit point to the site. Note the width of the Council vehicular crossing is not to exceed 6.00m in width.*
- b) *Design & reconstruct kerb and gutter for the full site frontage of King St including a minimum 3.00m wide road reconstruction in front of the reconstructed kerb and gutter and to the existing Council drainage pit at kerb located west of the western side boundary.*
- c) *Design & construct concrete footpaths along the full site frontage of King*

Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

- d) *Design & construct on street traffic calming measures, approved by The Local Traffic Committee, comprising of the following components:*

A roundabout at the King Street/Dangar Street intersection.

The installation of a pedestrian refuge in King Street between Prince St and the vehicular entrance to the development.

Provision of 45 degree angled parking and associated kerb blisters in King Street along the frontage of the development.

Installation of a 6 metre length "No Stopping" on each side of the vehicular access point to the site.

68. *Prior to a Construction Certificate for the building construction works being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, for the amount of \$250,000. This Bond is to ensure the construction of the abovementioned civil works.*

The Bond will be released upon the applicant meeting the costs and conditions for Council or a Council approved contractor to carry out the abovementioned civil works.

69. *Prior to the issuing of a Construction Certificate for the building construction works the applicant is to submit to, and have approved by Council, detailed stormwater drainage design for the following:-*

a) *reconstruction of the existing 750 mm diameter stormwater pipeline that burdens the site with a minimum 1200 mm diameter stormwater pipeline.*

b) *construction of a stormwater drainage culvert generally from the eastern boundary of the development site to the existing Council stormwater pit located approximately 20 metres to the west of the development site. Such culvert shall be designed to:-*

i) *continue the stormwater culvert (that that the adjacent development within 100-120 King Street will be required to construct) for the drainage of the 1 in 100 year storm from the low point in Dangar Street.*

ii) *designed to surcharge at the existing stormwater pit downstream of the site.*

Details required by Council for the design/construction plans for the reconstructed /diverted Council stormwater pipeline/s can be obtained from Council's Manager of Design on 93990907. The details shall include the following:

Plan view as well as longitudinal Sections showing grades and levels to A.H.D.

Method of supply, laying and backfilling of drainage pipeline.

*Location of public utility services.
Location of Council street trees.
Junction/Drainage Pit designs.
Extent of road excavation/restoration works*

70. *The applicant must meet the full cost for Council or a Council approved contractor to carry out all works associated with the reconstructed/diverted Council stormwater pipeline/s.*
71. *Prior to a Construction Certificate for the building construction works being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, for the amount of \$700,000. This Bond is to ensure the reconstruction/diversion of the Council stormwater pipeline.*
- The Bond will be released upon the applicant meeting the costs and conditions for Council or a Council approved contractor to carry out the drainage works.*
72. *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.*
73. *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.***
74. *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. Any enquiries regarding this matter can be directed to Council's Asset & Infrastructure Services Department on 9399 0922 or 9399 0923*
75. *A work zone is to be provided to the development site and details of the work zone location and the prescribed fee for the installation of a "work zone" having a minimum length of 12 metres must be paid to Council at least four (4) weeks prior to the commencement of building works. The applicant is to liaise with Council's Traffic Engineer (9399 0927) regarding this matter*
76. *A boomgate is to be installed at the entrance to the STA staff car park to prevent residential car park overflow into this area. Plans submitted for the Construction Certificate for the building construction works are to show compliance with this requirement.*
77. *Visitor car spaces and bicycle parking areas are to be clearly signposted and linemarked. Plans submitted for the Construction Certificate for the building*

construction works are to show compliance with this requirement.

78. *Pavement arrows are to be installed throughout the car parking levels to clearly define direction of travel for vehicles. Plans submitted for the Construction Certificate for the building construction works are to show compliance with this requirement.*
79. *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.*

Note that the proposed internal driveway shall be designed with a highpoint at least 150mm above the 1 in 100 year storm event flood level and in such a manner as to ensure that floodwater cannot enter the building.

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

80. *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:*

King St Frontage - 175mm 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. The design alignment level at the property boundary must be strictly adhered to.

81. *The design alignment levels as issued by Council and their relationship to the kerb must be indicated on the building plans for the building construction certificate prior to the issuing of the construction certificate.*
82. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,031.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a Construction Certificate for the building construction works being issued for the development.*

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

83. *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.*
84. *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.

85. *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 building construction certificate being issued for the development.*
86. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the Construction Certificate for the building construction works to see if an electricity substation will be required for the development.*
87. *Prior to the issuing of a Construction Certificate for the building construction works for the development the applicant is to meet the cost for Sydney Electricity to bundle all the overhead power lines fronting the site along King Street. Documentary evidence of this compliance is to be forwarded to Council for the Construction Certificate for the building construction works.*

Note: The bundling of the power lines is to facilitate the street tree planting reaching their mature height so as to ensure satisfactory screening of the proposed development.

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

88. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the Director of Assets and Infrastructure Services prior to a construction certificate being issued for the building works. 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.*
- 89. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

- 90. The detention pit shall be constructed outside the proposed landscaping areas at the front of the development site **in general accordance with the plan Fig 11, Issue B dated 25.11.2002 by Warren Smith & Partners.** The detention pit outlet pipeline should be piped to a junction pit constructed over the future Council stormwater pipeline to be constructed in King Street.*

Notes

- i) a reflux valve should be constructed within the outlet pipe from the detention pit (and located within the development site that can be serviced by the owner of the lot).*
- ii) Areas that drain to the detention pits should be generally higher in level than the top of the pit (to ensure that should the Council system block or*

surcharge or alternatively rainfall in excess of the design storm occur, then the internal stormwater system will safely overflow to King Street)

iii) Stormwater from the front entrance paving areas shall be directed onto the landscaping areas prior to draining to the detention pit.

- 91. 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.*
- 92. 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.*
- 93. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of an occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system (and the overflow system from Govett Lane thru 100-120 King St if constructed) 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 (and the overflow system from Govett Lane thru 100-120 King St if constructed).*

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.

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

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

- 97. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 98. 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.

99. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, 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 (and the overflow system from Govett Lane thru 100-120 King St if constructed) 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)*

100. *A sediment/silt arrester pit must be provided:-*

- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- b) prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be generally 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.

101. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
102. *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.*
103. *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.*
104. *Five covered car washing bays shall be provided for this development.*
 - a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*

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

The following conditions are applied to provide adequate provisions External Stormwater Works/ Associated Stormwater Analysis:

105. *Prior to the lodging of the construction certificate for the building construction works, the applicant shall submit for approval and have approved by the Director of Asset & Infrastructure Services, a plan with drainage calculations (compiled by a suitably experienced and qualified Civil Engineer) that determines the 1 in 100 year flood level for the drainage in this area (eg the low point of Govett Lane and the overflow along the site frontage in King Street) using the "ILSAX" or “DRAINS” Urban Drainage Simulation Models. Drainage calculations shall also be submitted using the HEC RAS computer model for the determination of overland flow profiles. A hydraulic grade line analysis for the proposed or relocated pipelines shall also be submitted for approval.*

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

The applicant is advised to contact Council's Department of Asset & Infrastructure Services for further information.

The following information must be submitted to the Council for checking and record

purposes:

- a) *All data files on 3 1/2" MS-DOS formatted diskettes together with a suitable index to relate data files to the various run parameters*
- b) *Plans showing:*

Total catchment area.

sub-catchments and areas and nomenclature used to define the various piped reaches.

Overland flow paths.

Location and sections of all drainage lines showing:

Pipe sizes and grades

Pit/gully surface levels as well as invert levels of inlet and outlet pipe.

Proposed finished surface levels and 0.2m contours over the development site.

All levels to Australian Height Datum.

- c) *Stormwater drainage plans, longitudinal sections, details and calculations in general accordance with the recommendations of the "Floodplain Management Manual" and "Australian Rainfall and Runoff, 1997 Edition".*

Note that all utility services shall be investigated and accurately located, levelled and shown on the submitted plans and longitudinal sections.

- d) *The stormwater drainage details for the overflow from Govett Lane shall be constructed in general accordance with either Option 1 or Option 2 as shown in the submitted report titled "Overland flow Analysis & Trunk Drainage Options Report compiled by Warren Smith and Partners Pty Ltd for Lot 201(No 88-98), King Street Randwick Project No. 2422a dated 25th November 2002 Revision C", subject to the following conditions and amendments:*

- i) *The proposed "aqueduct and overland flow" system to drain the stormwater overflow from Govett Lane shall be generally designed and constructed:-*

in full consultation with the owners of 100-120 King Street. The applicant shall submit a written agreement to the proposed time frame for the works to be carried out.

with a velocity x depth ratio for the 1 in 100 year storm event less than or equal to 0.4 (ie $VD < 0.4$) for use as a footpath.

with a minimum width of 3.0 metres.

an easement for stormwater overflow shall be created over the resultant structure (for the length and width of the resultant 1 in 100 year flow within the site). Note that the 88B instrument of this easement shall state that the structure shall be maintained and repaired by the owner/s of this property in perpetuity.

outside the 2.0 metre easement for support (adjacent to the University Building)

with galvanised handrails and safety rails (for pedestrian safety) where required.

with signs warning people of overland stormwater flow path during an intense storm (and indicating the depth of flow during a 1 in 100 year storm).

With a landing at RL 40.35 and the associated wheelchair access adjacent to

the front doors of buildings 1 and 2. (generally in accordance with the plan by Warren Smith & Partners Job No CD22422a Fig 05 Issue B).

the entrance door to building 3 relocated as shown in general accordance with the plan by Warren Smith & Partners Job No CD22422a Fig 05 Issue B.

a flood proof wall (or similar structure to prevent stormwater adversely affecting the associated buildings) approximately 500 mm high, shall be constructed along the frontages of buildings 1 and 2, along the south eastern frontage of building 3 and the northern side of building 2.

The steps adjacent to the northern wall of building 2 shall have the landing constructed at a minimum of 150 mm above the adjacent 1 in 100 year overland flow level.

Notes:

- o A right of carriageway should be created in favour of Council over the proposed "aqueduct" system for a public pedestrian access between Govett Lane and King Street.*

- o Should the applicant elect to construct the proposed Option 1 (as submitted in the "Overland flow Analysis & Trunk Drainage Options Report compiled by Warren Smith and Partners Pty Ltd for Lot 201 (No 88-98), King Street Randwick Project No. 2422a dated 25th November 2002 Revision C), details of the stormwater system:*
 - shall be submitted to and approved of by the Director of Asset & Infrastructure Services.*
 - should be designed and constructed in conjunction with the proposed development in 100-120 King Street.*
 - subject to the concurrence and approval of the Centennial Park and Moore Park Trust.*
 - shall include the 1 in 100 year flood level of the Centennial Park pond where the culvert will connect*

- o Should an alternate overland flow system be approved (in lieu of the aqueduct/overland flow system being constructed), a minimum 3.0 metre pathway shall be designed and constructed generally through the development site to King Street. The pathway is to "link up" with the future pathway within 100-120 King St (ie from Govett Lane). Details of such pathway shall be submitted and approved by Council's Director of Planning and Community Development **prior to issue of a construction certificate**. A Right of Way in favour of Council shall be created over this pathway.*

Note that the 88 B instrument of this Right of Way easement shall state that the structure shall be maintained and repaired by the owner/s of this property in perpetuity.

- e) The applicant shall construct a stormwater drainage culvert across the site frontage in King Street. This culvert is to form a continuation of the stormwater culvert to be constructed by the adjacent property at 100-120 King Street (for the drainage of the overland flow from the low point in Danger Street) and shall be designed and constructed:-*

*To drain and discharge the 1 in 100 year storm.
with a self scour velocity for a 1 in 3 month storm event.
to minimise blockage.*

to connect to the existing Council stormwater pit located to the west of 88-98 King Street and generally located within the road carriageway in King Street.

- f) *The existing 750 mm diameter stormwater pipeline that burdens the site shall be reconstructed with a minimum 1200 mm diameter pipeline.*
- (i) Any structure (other than the aqueduct/pathway), wall, footing or eaves overhang etc shall be located a minimum of 2.0 metres from the centreline of this pipeline.*
 - (ii) A four (4) metre wide drainage easement shall be created centrally over this pipeline.*
 - (iii) The pipeline shall be generally constructed in the existing 750 mm diameter pipeline location. Details of the location and longitudinal section of this pipeline are to be submitted and approved of by the Director of Asset and Infrastructure Services.*
 - (iv) The pipeline shall be piers and beamed where it is located over the proposed pedestrian access way (that services the lift lobby for building 4 and the Level B2 basement carpark). The piers shall extend to rock or below RL31.00 which ever is the higher.*
- g) *The applicant must meet the full cost for Council or a Council approved contractor to carry out all works associated with the reconstructed/diverted Council stormwater pipeline/s listed above.*

106. *A minimum 1.0 metre high masonry wall should be constructed along the eastern property boundary adjacent to building 2 (Level 1- ie RL37.00) This condition is required to help prevent stormwater entering the site from 100-120 King Street.*
107. *The floor level of all habitable and storage areas shall be a minimum of 300mm above the calculated 1 in 100 year flood level. This condition has been imposed to minimise the possibility of localised floodwater entering the subject habitable, storage and office areas.*
108. *The applicant shall ensure that no portion of any window, vent, or other opening is at a level lower than the 1 in 100 year storm event flood level. This condition is required to minimise the possibility of floodwater entering the proposed building for storm events up to and including the 1 in 100 storm event.*
109. *The proposed internal access road/driveway shall be designed with a minimum 150 mm high point above the 1 in 100 year storm event flood level and in such a manner as to ensure that floodwater cannot enter the building.*
110. *Prior to the release of the construction certificate for the building construction works, the applicant shall submit and have approved by the Director of Asset & Infrastructure Services a specification for the:*

Supply, laying and backfilling of the stormwater pipelines and box culverts.

Construction of stormwater pits and other associated structures.

The applicant shall note the following when preparing the specification:

- (i) *All future Council stormwater pipelines shall be constructed with spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). The Council stormwater pipelines shall be a minimum of 375mm diameter. Prior to backfilling, the pipeline shall be inspected and approved by the Director of Asset & Infrastructure Services.*

Generally backfill material for the pipeline trench shall be:-

*clean sand.
watered in.
compacted in 150 mm layers with a minimum 97% relative compaction.*

Notes

Should an alternate pipeline be preferred, then the following parameters of that pipeline are to be compared against an equivalent rubber ringed steel reinforced concrete pipeline (RRRCP):-

- *hydraulic performance.*
- *service life (eg abrasion etc) with a minimum 80 year service life.*
- *structural loading.*
- *maintenance.*

The alternate pipeline must clearly demonstrate an equivalent and/or superior quality to a rubber ringed steel reinforced concrete pipeline for all the above parameters. All details shall be submitted to and approved of by the Council.

(ii) *All standard extended kerb inlet pits shall be constructed:-*

*in "situ" (a precast pit will be acceptable only in a park or reserve).
in accordance with Council's drawings SD 3 or SD 8 (subject to the depth and/or the size of the pipeline).
with a minimum concrete strength of 32 Mpa.*

(iii) *All standard junction pits shall be constructed:-*

*in "situ" (a precast pit will be acceptable only in a park or reserve).
in accordance with Council's drawing SD 4.
with a minimum concrete strength of 32 Mpa.*

(iv) *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.*

111. *The applicant must meet full cost of all work required by the Council to be carried out in connection with the relocation of any stormwater pipeline within the property or adjacent to the site, such work to be carried out in accordance with plans and specifications approved of by the Director of Assets and Infrastructure Services. No buildings or structures must be located within the easement.*
112. *The applicant must meet the full cost of the creation of a drainage easement over the line of any existing or relocated stormwater pipelines within the site, under the control of Council. Minimum easement widths over the relocated storm water pipeline within the site shall be 4.0 metres.*

An easement for overland flow shall be created over any future stormwater system through the site from the localised low point in Govett Lane. The width of this easement shall be determined after the approval by Director of Asset and Infrastructure Services of the final stormwater details.

113. *Where an easement exists or is proposed through any property, the footing of any proposed structure adjacent to or traversing the easement must be founded on rock, or; extend below a 30 degrees line taken from the level of the pipe invert at the edge of the easement (angle of repose) and the building works must be inspected by the applicant's engineer to ensure that these footings and/or piers extend below the "angle of repose" and documentary evidence of compliance is to be submitted to Council, prior to proceeding to the subsequent stages of construction.*
114. *A work-as-executed plan prepared and signed by the hydraulic engineer (and a registered surveyor where the Council pipelines are located through the site), must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate. The work-as-executed plan shall detail the location and invert levels of the stormwater culverts and the finished surface levels.*
115. ***Prior to the final inspection or occupation, the applicant shall submit to Council CCTV videos of the Council stormwater pipelines that have been reconstructed. Such CCTV shall inspect all stormwater pipes for any post construction damage.***
- The applicant shall note that should this pipeline be damaged, Council will remove the damaged pipeline and construct a new equivalent diameter R.R.R.C.P. with concrete encasement and associated junction pits. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.*

The following conditions are applied to provide adequate provisions for Ground Water:

116. *As the above site may be present within a fluctuating water table, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*
117. *Prior to the release of the Construction Certificate, the applicant shall submit details and calculations from a suitably qualified and experienced Geotechnical Engineer's that clearly demonstrates:-*

- a) *adequate provision has been made for the ground water to drain around or through the basement carpark (to ensure that the basement will not dam, raise or slow the movement of the ground water through the development site).*
- b) *that groundwater will not inundate the Level 1 units. The engineer should include the following parameters:*
 - (i) *the carpark may cause a local raised groundwater level*
 - (ii) *a prolonged wet weather including a 1 in 100 year storm.*

Any recommendations by the Geotechnical Engineer shall be inclusive of the development consent conditions (eg tanking of the units to a suitable level).

Note that dewatering (except by reinjection to ground) will not be considered.

- c) *that there will be no settlement from the proposed dewatering (or other possible adverse affects as a result of either the proposed dewatering or underground car park) to the buildings and/or structures on the adjacent properties.*
- d) *Revise the groundwater management plan to include the removal of contaminants from the groundwater and the reinjection of the extracted ground water.*
- e) *Details of how the extracted ground water is to be reinjected into the ground.*

118. *A suitably qualified and experienced Geotechnical Engineer shall supervise the dewatering of the site. Such engineer shall ensure that: -*

- a) *Generally there is no draw down of the groundwater outside the area of the excavation for the carpark.*
- b) *There are no adverse affects that the excavation works or dewatering to the buildings and/or structures on the adjacent properties or the heritage listed Chimney Stack within the development site.*

119. *Prior to the release of the Construction Certificate, the applicant shall submit to and have approved by the Department of Land and Water Conservation (DLWC) details of removing contaminants from the groundwater and the reinjection of the extracted ground water. A copy of the DLWC approval (and conditions of approval) is to be submitted to the Certifying Authority.*

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

120. *The applicant shall create suitable rights of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*

121. *The applicant shall provide Council with a survey plan of the property prior to receiving stratum subdivision approval.*

The following conditions are applied to provide adequate provisions for waste

management:

122. *Prior to lodging of a building construction certificate application 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.*

It is recommended that the applicant liaise with Council's Manager of Waste on 9399 0945 prior to lodging a Waste Management Plan.

123. *Any 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.*

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

124. *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. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - h. *Location of easements within the site and upon adjacent sites (if any).*
125. *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.

126. *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.

127. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed. Such works shall be installed prior to the issue of a final Occupation Certificate.*
128. *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.*
129. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
130. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application

shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

The following conditions are applied to ensure adequate provisions for Tree Management:

131. *Approval is granted for the removal of the following trees.*

- a) *Two Acacia species (Wattle Trees) located within the south western corner of the site.*
- b) *One Lophostemon confertus (Brush Box) located along the southern property boundary, close to the existing chimney.*

The following conditions are applied to ensure adequate provisions for Tree Protection Measures:

132. *In order to ensure the retention of the three (3) Lophostemon confertus (Brush Box) located within Council's nature strip in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. *The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1.5 metres from the outside edge of the tree trunks.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

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

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

- d. *Any excavations required for services, pipes, stormwater infiltration systems, paving etc within 3 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- e. *Watering of the trees (within the fenced off area) three times a week for the duration of the construction period.*
- f. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

133. *A refundable deposit in the form of cash, cheque, or bank guarantee for the amount of \$30,000.00 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.*
134. *The licensee shall allow the Department of Land and Water Conservation or a person authorised by it, full and free access to the works (excavation, spear point battery or borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of sub-surface water.*
135. *If a work is abandoned at any time the licensee shall notify the Department of Land and Water Conservation that the work has been abandoned and seal off the aquifer by:*
- *Backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or*
 - *Such methods as agreed to or directed by the Department of Land and Water Conservation.*
136. ***Tailwater drainage shall not be allowed to discharge onto adjoining roads (without Council approval), Crown Land or other persons land, or onto any river as defined under the Water Act, or any groundwater aquifer, by surface or sub-surface drains or pipes or any other means.***
137. *Works used for the purpose of conveying, distributing or storing water from the work authorised by this licence shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake.*
138. *If the bore authorised by this licence is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220 mm.*
139. *Water shall not be pumped from the works authorised by this licence for any purpose other than temporary de-watering for building construction.*

140. *The licence will lapse if the work is not commenced and completed within one year of the date of the issue of the licence.*
141. *Upon formal application the licensee shall within two months of completion or after the issue of the licence if the work is existing, furnish to the Department of Land and Water Conservation:*
- *Details of the works set out on the appropriate form.*
 - *A plan showing accurately the location of the work, in relation to portion and property boundaries.*
 - *Details of any water analysis and/or pumping tests.*
142. *The Licensee shall maintain a record of the actual volume of groundwater pumped (kilolitres/megalitres) from the dewatering work, the discharge rate (litres per second) and duration of pumping (number of days/weeks) and supply this information to the Department upon request.*
143. *Special conditions (being condition 141 & 142) may be varied by the Department at any time.*

Advisory Matters/Conditions:

1. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*
2. *The applicant is to meet the cost for Council to remove any Council street tree as a result of the development. The costs will also include replacement planting and the calculated amenity value of the tree using the Draft Australian Standard Formula. The cost for removing, replacement planting and amenity value of the subject trees can be obtained by contacting Council's Tree Preservation Co-ordinator (B. Bourke – 9399 0609).*
3. *Where feasible, the paving within the development site shall be constructed with a permeable paving.*
4. *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.*
5. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*
6. *In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:*

a)	<i>Part B1</i>	-	<i>Structural provisions</i>
b)	<i>Part C1</i>	-	<i>Fire resistance and stability</i>
c)	<i>Part C2</i>	-	<i>Compartmentation and separation</i>
d)	<i>Clause C2.6</i>	-	<i>Vertical separation of openings in external walls</i>
e)	<i>Part C3</i>	-	<i>Protection of openings</i>
f)	<i>Clause C3.2&C3.4</i>	-	<i>Protection of openings in external walls</i>
g)	<i>Part D1</i>	-	<i>Provisions for escape</i>
h)	<i>Clause D1.2</i>	-	<i>Number of exits required</i>
i)	<i>Clause D1.3</i>	-	<i>When fire-isolated exits are required</i>
j)	<i>Clause D1.4</i>	-	<i>Exit travel distances</i>
k)	<i>Clause D1.5</i>	-	<i>Distance between alternative exits</i>
l)	<i>Part D2</i>	-	<i>Construction of exits</i>
m)	<i>Clause D2.4</i>	-	<i>Separation of rising and descending stair flights</i>
n)	<i>Part D3</i>	-	<i>Access for people with disabilities</i>
o)	<i>Clause D3.5</i>	-	<i>Car parking for people with disabilities</i>
p)	<i>Part E1</i>	-	<i>Fire fighting equipment</i>
q)	<i>Part E2</i>	-	<i>Smoke Hazard Management</i>
r)	<i>Part E3</i>	-	<i>Lift Installations</i>
s)	<i>Part E4</i>	-	<i>Emergency lighting, exit signs and warning systems</i>
t)	<i>Part F1</i>	-	<i>Damp and weatherproofing</i>
u)	<i>Part F2</i>	-	<i>Sanitary and other facilities</i>
v)	<i>Part F3</i>	-	<i>Light and ventilation</i>
x)	<i>Part F5</i>	-	<i>Sound Transmission and Insulation</i>
y)	<i>Section G</i>	-	<i>Ancillary Provisions</i>
z)	<i>Part G2</i>	-	<i>Heating appliances, fireplaces, chimneys and flues</i>
aa)	<i>Section H</i>	-	<i>Special Use Buildings</i>

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

MOTION: (Tracey/Daley) SEE RESOLUTION.

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

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

**8.11 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
110/2002 - SECTION 96(1A) AND SECTION 96(2) APPLICATION TO
MODIFY CONDITIONS NO. 12, 37, 38, 44, 45, 58, 83, 101, 104, 105, AND 107
OF DEVELOPMENT CONSENT NO. 0427/2002 RELATING TO INSURANCE
POLICY, DAMAGE DEPOSIT, CIVIL WORKS BOND,
LANDSCAPE/ENVIRONMENTAL PARK BOND, UTILITIES, ROAD
DESIGN AND LANDSCAPE DESIGN. (D/0427/2002)**

342 **RESOLUTION:** *(Daley/Andrews) that:*

A. *Council as the responsible authority grant its consent under Section 96(1A) and 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify conditions No. 12, 37, 38, 44, 45, 58, 83, 101, 104, 105, and 107 of Development Consent 427/2002 at 33-149 Bundock Street and 373A Avoca Street, Kingsford in the following manner:*

1. *That Condition No. 12 be amended to read:*

“12(a) Prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Applicant must procure the execution and delivery to the Council by the Commonwealth of Australia ('Commonwealth') of a Commonwealth Indemnity.

12(b) In this Condition, 'Commonwealth Indemnity' means a covenant by deed in the following terms:

‘The Commonwealth irrevocably and unconditionally indemnifies Randwick City Council ('Council') against all legal liability of any nature which the Council may incur for a period of 40 years from 17 September 2002, for or in respect of any death, personal injury, or damage to property, arising from or incurred in connection with any soil or groundwater contamination in, of, or on the Stage 1a Site or any remediation of any soil or groundwater contamination in, of, or on the Stage 1a Site, whether or not the Council knew or should have known about a fact or circumstance that gives rise to a liability under this indemnity.’ ”

2. *That Condition No. 37 be amended to read:*

“37(a) The following security deposit requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused by the carrying out of the works authorised by this development consent to the roadway, footway, verge or any public place in the vicinity of the development; and as security for completing any public work required by this development consent; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

a) \$ 100,000.00 Security damage deposit

The damage deposit may be provided by way of a cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, with the Council and is

refundable upon the applicant advising Council, in writing, of the completion of all site construction works.

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.

37(b) In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$100,000.00 security damage deposit, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Public Works Undertaking in the sum of \$100,000.00 in respect of the obligations referred to in condition 37(a). If at any time after the provision of a Commonwealth Public Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 37(a) and the Council must return the Commonwealth Public Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Public Works Undertaking

37(c) In this Condition, a 'Commonwealth Public Works Undertaking' means a covenant by deed in the following terms:

*'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following the occurrence of any damage referred to in Condition 37(a) of the Development Consent granted on 23 September 2002 pursuant to Development Application No. 02/00427/GL (**Development Consent**), the sum of \$100,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 37(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth advising the Council in writing of the completion of all site construction works authorised by the Development Consent.'* ”

3. That Condition No. 38 be amended to read:

“38(a) Prior to a construction certificate being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, for the amount of \$500,000. This Bond is to ensure the construction of civil works required by this development consent to be carried out in Bundock Street and surrounding streets.

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

38(b) In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 bond,

prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Civil Works Undertaking in the sum of \$500,000.00 in respect of the obligations arising under condition 38(a). If at any time after the provision of a Commonwealth Civil Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 38(a) and the Council must return the Commonwealth Civil Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Civil Works Undertaking

38(c) *In this Condition, a 'Commonwealth Civil Works Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following a breach of any conditions of this development consent requiring civil works in Bundock Street and surrounding streets, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 38(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth meeting the costs and conditions for the Council to carry out the civil works referred to in Condition 38(a) of the Development Consent.' ”

4. *That Condition No. 44 be amended to read:*

“44(a) That the applicant submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$500,000 for the proper performance of the infrastructure transferred to Council pursuant to the requirements of this development consent for the full period of the defects liability period. A fifty-two week defects liability period shall apply, commencing from the date of Councils Acceptance of the public roads and lands and the provision of the abovementioned unconditional bank Guarantee.

44(b) In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Infrastructure Undertaking in the sum of \$500,000.00 in respect of the obligations arising under condition 44(a). If at any time after the provision of a Commonwealth Infrastructure Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 44(a) and the Council must return the Commonwealth Infrastructure Undertaking to the Commonwealth at which time except, to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Infrastructure Undertaking

44(c) *In this Condition, a 'Commonwealth Infrastructure Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued after any infrastructure transferred to the Council fails to perform properly, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 44(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the expiration of a period of 52 weeks from date of the Council's acceptance of the public roads and lands required to be transferred to the Council by this Development Consent.' ”

5. *That Condition No. 45 be amended to read:*

“45. All Energy Australia Service Turrets shall be recessed wholly into the property boundaries/behind the prevailing property alignment, so that the turrets do not cause a trip hazard and the turrets do not hinder or obstruct the movement, access and enjoyment of the road reserve. The applicant is advised that should Energy Australia require the turrets to be located within the road reserve the applicant will be required to dedicate land to Council, the dimensions of such dedication/s shall be as required to satisfy all of Energy Australia’s requirements.”

6. *That Condition No. 58 be amended to read:*

“58. The applicant must meet the full cost for Council, or a Council approved contractor, to:

- (a) Construct a 3.0metre wide concrete footpath along the southern side of Bundock Street going from Avoca Street to Elphinstone Road. The applicant is advised that Council will consider a localised reduction in the footpath width where it can be demonstrated that such reduction would assist in the retention of a significant street tree.*
- (b) Mill and fill the central lanes of Bundock Street with 150mm of Deep Lift AC20 , edge mill adjacent to the gutter lip and resheet the entire road with 50mm AC 10 from Avoca Street to the new pavement east of Hendy Avenue”.*

7. *That Condition No. 83 be amended to read:*

“83. Prior to the commencement of any site construction works a Public Domain Plan for the site, (generally in accordance with the Public Domain and Landscape Plan in Drawing L-1A-01 in Volume 3 of the Statement of Environmental Effects), is to be submitted to Council for approval, and be approved. Such a plan shall demonstrate the strategies that are proposed for the urban design of the public domain (including open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. These strategies shall be consistent with the Master Plan that has already been accepted by Council and Council’s management requirements. The strategies will include

*tree planting strategy,
water management strategies,
footpath strategy,
Park planning strategy*

Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):

*Street tree planting
Design of public parks
Park planting
Footpath treatments
Street furniture
Street lighting
Street signs
Kerb ramps
Park lighting
Automatic irrigation systems
Water features
Playgrounds
Pavements
Retaining walls and balustrades
Bicycle facilities
Bus shelters
Shade structures*

The Public Domain Plan shall be complied with.

The Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B shows a number of proposed mass planting beds. These are required to be deleted from the proposed street frontage works.

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."

8. *That Condition No. 101 be amended to read:*

"101 Any street trees planted on the southern side of Banksia St/Ave (between Mantelet and Musket Sts), the eastern side of Musket St and Lomandra St east of Musket St shall be restricted to those species listed as appropriate for planting beneath power lines within the two relevant Council street tree "precincts" for the site, as appear in Council's revised Street Tree Masterplan plan (November 2002), excepting that Lophostemon confertus, Gleditsia triacanthos 'Sunburst' and Banksia integrifolia shall not be planted. Species selection shall be further restricted by Conditions 102 and 103."

9. *That Condition No. 104 be amended to read:*

“104(a) A refundable deposit, in the form of cash or cheque, for the amount of \$50,000.00, shall be lodged with Council prior to issuing of a construction certificate for this application. The refundable deposit is placed as security to ensure that subject to the works required and/or authorised by this development consent, no detrimental environmental effect occurs within the proposed Randwick Environmental Park. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within the proposed Randwick Environmental Park throughout the construction works. Any contravention of Council's conditions relating to the proposed Randwick Environmental Park at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable the Council to carry out necessary repair or ameliorative works within the Randwick Environmental Park.

104(b) In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$50,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Environmental Park Undertaking in the sum of \$50,000.00 in respect of the obligations referred to in condition 104(a). If at any time after the provision of a Commonwealth Environmental Park Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 104(a) and the Council must return the Commonwealth Environmental Park Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Environmental Park Undertaking

104(c) In this Condition, a 'Commonwealth Environmental Park Undertaking' means a covenant by deed in the following terms:

‘The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued after contravention of any condition in this development consent relating to the proposed Randwick Environmental park, the sum of \$50,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 104(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth completing the works required and/or authorised by this Development Consent.’ ”

10. *That Condition No. 105 be amended to read:*

“105(a) The applicant shall submit a detailed landscape design for all street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick. The landscape design shall include trees,

pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.

The Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B shows a number of proposed mass planting beds. These are required to be deleted from the proposed street frontage works.

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

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

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of \$12,000.00 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 Hendy, Lomandra, Hendy (extension), Xyris, Banksia and Musket Street frontages."

105(b) In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$12,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Landscape Undertaking in the sum of \$12,000.00 in respect of the obligations referred to in condition 105(a). If at any time after the provision of a Commonwealth Landscape Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 105(a) and the Council must return the Commonwealth Landscape Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Landscape Undertaking

105(c) In this Condition, a 'Commonwealth Landscape (Hardscape) Undertaking' means a covenant by deed in the following terms:

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days receipt of a written demand from the Council issued after a breach of the conditions requiring landscaping works along the Hendy, Lomandra, Hendy (extension), Xyris, Banksia and Muskat Street frontages, the sum of \$12,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 105(a) of the Development Consent. This undertaking will be released and will be of no further effect upon completion of the landscaping works approved by this Development Consent along the Hendy, Lomandra, Hendy (extension), Xyris, Banksia and Muskat Street frontages.' ”

11. That Condition No. 107 be amended to read:

107(a) Approval is granted for the removal of the following trees:

- a) *All trees shown for removal on the Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B. A refundable deposit of \$18,000.00 is placed to ensure that the street trees shown on the Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B are installed in accordance with the approved landscape documentation. The refundable deposit will be released at the time of issue of a final occupation certificate by the certifying authority providing the trees are installed as per the approved Landscape Plan.*

Any contravention of Council's landscape conditions at any time during the construction period or prior to the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.”

107(b) In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$18,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Landscape Undertaking in the sum of \$18,000.00 in respect of the obligations referred to in condition 107(a). If at any time after the provision of a Commonwealth Landscape Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 107(a) and the Council must return the Commonwealth Landscape Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Landscape Undertaking

107(c) In this Condition, a 'Commonwealth Landscape (Tree Planting) Undertaking' means a covenant by deed in the following terms:

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days receipt of a written demand from the Council issued after a breach of the conditions requiring the Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B to be installed in accordance with the

approved landscape documentation, the sum of \$18,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 105(a) of the Development Consent. This undertaking will be released and will be of no further effect upon completion of the landscaping works approved by this Development Consent as required the Stage 1A Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1A-01, issue B.'

MOTION: (Daley/Andrews) SEE RESOLUTION.

**8.12 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
111/2002 - CLOVELLY SURF LIFE SAVING CLUB, APPLICATION TO THE
LICENSING COURT OF N.S.W. BY JENNIFER ELIADES FOR THE GRANT
OF A CATERER'S LICENCE PURSUANT TO S. 18 OF THE LIQUOR ACT
1982. (98/S/1698)**

343 **RESOLUTION: (Tracey/Daley)** *that Council raise no objection to the grant of the application for a Caterer's licence before the Licensing Court of New South Wales by Jennifer Eliades for premises known as the Clovelly Surf Life Saving Club, situated at Donnellan Circuit, Clovelly, subject to the following conditions:*

1. *The Clovelly Surf Life Saving Club, within 28 days, submit an application for assessment pursuant to S. 68 of the LG Act to approve the premises as a place of public entertainment;*
2. *that any necessary fire safety up-grading works be programmed to take place within a 6 month period or a further timeframe agreed to by Council;*
3. *that the liquor licence for the subject premises be consistent with the operating principles for the Clovelly Surf Life Saving Club set down by the Clovelly Bay Plan of Management; and*
4. *the applicant, the Court and the Clovelly Surf Life Saving Club be advised accordingly.*

MOTION: (Tracey/Daley) SEE RESOLUTION.

**8.13 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
112/2002 - DEMOLISH EXISTING BUILDING AND ERECT A NEW
DWELLING HOUSE AT 145 BROOK ST, COOGEE. (D/1187/2001)**

344 **RESOLUTION: (Backes/Daley)** *that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA1187/2001 to demolish existing building and erect a new dwelling house at 145 Brook St, Coogee subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the amended plans comprising of 8 sheets, numbered 1/8 to 3/8 issue E dated 18/11/2002 and 4/8 to 8/8 issue F dated 02/12/2002 and received by Council on 03/12/2002, 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 colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the street scape.*

*Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development **prior to issuing of a construction certificate.***

3. *The finished ground levels external to the building shall not be raised by more than 300mm to accommodate the erection of the building and paving works or the like, without written consent of council.*

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 sill height of the gallery window/s at level 4 at the northern elevation be increased to a minimum height of 1.5m above floor level, and planter boxes of 1.00m in width is to be provided at the length and depth of the northern and eastern edge of the terrace, in order to reduce possible overlooking of adjoining neighbours yards.***

Details required by this condition are to be included in the Construction Certificate plans.

6. *Details of safety mechanism and effective sound proofing in regard to the operation of the car lift shall be shown on Construction Certificate plan/s **prior to issuing Construction Certificate consent**, so as to ensure that the public and the future residents of the building are not endangered.*

7. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*

8. *The sill height of the rumpus window at level 1, informal living window at level 2 and master bedroom window at level 3 at the northern elevation, are to be increased to be a minimum height of 1.5m above floor level, or alternatively, the window/s are to be provided with translucent, obscured, frosted or sandblasted glazing.*

9. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

10. *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 & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to***

issuing of a construction certificate. Details and location of the proposed swimming pools are to be consistent with the approved amended architectural plans numbered 1/8 to 8/8 issues D, dated 31/07/2002 and received by Council on 09/09/2002.

11. *The enclosure of terraces is prohibited by this consent.*

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.*
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. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
 - (a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - (b) *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.*

20. *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.*

21. *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

22. *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.*
23. *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.*

24. *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:

25. *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 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:

26. *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.*

27. *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.

28. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the*

person causing the excavation must:

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

29. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

30. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*

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

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

32. *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.

33. *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.*

34. *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 hoarding or 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). Hoardings or

fences are to have a minimum height of 1.8 metres and be constructed of solid plywood sheeting (painted white) or of cyclone wire fencing with geotextile fabric attached to the inside of the fence, to provide dust control.

Hoardings 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.

35. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to **occupation of the building**, certifying the structural adequacy of the proposed building work and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*
36. *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.*

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

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

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

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

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

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

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

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

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

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

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 and conditions of Council's approval.*

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

42. *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:

43. *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 suitable safety rail along the northern edge of the Council driveway, if required.*
44. *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.*
45. *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.*
46. *The proposed northern opening, for the car lift, at the site frontage is to be located a minimum 900mm from the northern side boundary.*

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

47. *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:*

75mm 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.

48. *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.*
49. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$181.00 calculated at \$16.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
50. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

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

51. *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.

52. *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:

53. *Generally all site stormwater including the impervious areas (eg roof/hard paved areas) shall be piped to a sediment/silt arrester pit that drains to a minimum 5 metre square base infiltration area.*

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

Notes:

- a. *The sediment/silt arrester pit shall be constructed:-*
- i. *within the site at or near the street boundary.*
 - ii. *with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).*
 - iii. *with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.*
 - iv. *with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.*
 - v. *with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes that will drain to the infiltration pit and the kerb. (pit similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- b. *The infiltration/rubble pit shall:-*
- i. *have a minimum of 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*
 - ii. *be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.*
 - iii. *be constructed with a minimum 200 mm thick layer of 20 mm basalt that is wrapped with a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed. Note other equivalent methods of infiltration can be adopted.*
 - iv. *have a minimum base area of 5.0 square metres (m²).
be a minimum of 100 mm below the outlet pipe from the silt arrester pit.*

- c. *This condition will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area).*

All works shall be to the satisfaction of the certifying authority.

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

54. *That part of the nature strip 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 the Occupation Certificate.*
55. *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.*
56. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

57. *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

58. *Approval is granted for the removal of the following trees subject to the planting of 2 x 100 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a) *Two specimens of Pinus pinea (Stone Pine) located at the rear of the site.*
59. *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.*
60. *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.

Tree Protection Measures

61. *In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda Tree) located on the adjoining property to the south along the boundary of the site 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 specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
 - b. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show 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 3 metres from the outside edge of the tree trunk.*
 - c. *Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 4 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
 - d. *A refundable deposit in the form of cash or cheque of \$1600.00 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>Jacaranda mimosifolia (Jacaranda Tree)</i>	<i>\$1600.00</i>
	<i>TOTAL</i>	<i>\$1600.00</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/s have 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.

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

62. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
63. *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**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

64. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
65. *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:*

- a) *all of the premises adjoining the subject site*

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

66. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.*

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: (Backes/Daley) SEE RESOLUTION.

9. PETITIONS.

Nil.

10. MOTIONS PURSUANT TO NOTICE.

10.1 BY COUNCILLOR NOTLEY-SMITH – CAPTAIN COOK STATUE. (98/S/3315 XR 98/S/0178)

345 **RESOLUTION: (Notley-Smith/Seng)** that a report be prepared for the Works Committee on the feasibility of replacing the paving around the base of the Captain Cook statue with appropriate decorative plant species or the installation of planter boxes within the statue's compound.

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

10.2 BY COUNCILLOR NOTLEY-SMITH – GARDENERS ROAD TREES. (R/0320/03 XR 98/S/0178)

(This motion was ruled out of order by the Mayor).

10.3 By Councillor Notley-Smith – Ambulance Services at Maroubra. (98/S/2919 xr 98/S/0178)

MOTION: (Notley-Smith/Matson) that Randwick City Council immediately writes to the Premier, Hon. Bob Carr, declaring its opposition to the reduction of ambulance services to the Maroubra and surrounding community. **LOST.**

10.4 By Councillor Matson – Free Parking Agreements. (98/S/2726 xr 98/S/0178)

MOTION: (Matson/Greenwood) that Ernie Page MP will be thanked for the advice given to Cr Matson in his endeavours to protect private parking rights in Randwick and, further, that Council will use the Mayoral Column to advise that it is prepared to receive applications for free parking area agreements under section 650(6) of the Local Government Act. **LOST.**

11. URGENT BUSINESS.

11.1 SIGNAGE AT MAROUBRA BEACH CAR PARK. (98/S/1531)

346 **RESOLUTION: (Andrews/Seng)** that permission is hereby granted to Cr Andrews to bring forward to the meeting and transact business of great urgency concerning signage at Maroubra Beach car park.

347 **RESOLUTION (FURTHER): (Andrews/Seng)** that a “No Entry” sign in the car park at Maroubra Beach be erected immediately.

MOTION: (Andrews/Seng) SEE RESOLUTION.

His Worship the Mayor, Cr D. Sullivan, ruled that the business proposed to be brought forward concerning signage at Maroubra Beach car park was of great urgency.

MOTION (FURTHER): (Andrews/Seng) SEE RESOLUTION (FURTHER).

12. CONFIDENTIAL REPORTS.

12.1 GENERAL MANAGER'S REPORT 24/2002 - COMPENSATION TO TENANTS AT BOWEN LIBRARY. (P/001537)

13. COMMITTEE-OF-THE-WHOLE.

The Mayor invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

RESOLVED: (Daley/White) that the Ordinary Meeting of the Council be adjourned at 9.45 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Mayor declared the Ordinary Meeting of the Council resumed at 9.59 p.m.

14. REPORT OF COMMITTEE-OF-THE-WHOLE.

14.1 REPORT OF THE GENERAL MANAGER TO THE ORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 10TH DECEMBER, 2002.

The General Manager reported that the following matter had been considered and the following recommendations to the Council had been formulated by the Committee-of-the-Whole.

14.2 EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2)(d) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration concerned commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

14.3 RECOMMENDATION.

That:

- (a) the applicant be paid the sum detailed in the General Manager's Report 24/2002 as reasonable compensation for the adverse effects on trading resulting from the erection of temporary hoardings in front of the shop operated by this company; and
- (b) a further report be submitted on the history of the matter.

14.4 ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.

348 **RESOLUTION:** (*Andrews/Notley-Smith*) that the recommendation made by the Committee-of-the-Whole at its meeting held on Tuesday, 10th December, 2002 be adopted.

15. NOTICE OF RESCISSION MOTIONS.

The following notice of rescission was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Extraordinary Meeting of the Council on Tuesday, 17th December, 2002.

15.1 Notice Of Rescission Motion By Councillors Matson, Greenwood And Whitehead – Ordinary Council Meeting, Tuesday, 10th December, 2002 – Item 8.4 - Director Planning & Community Development's Report 103/2002 – 194R Alison Road, Randwick. (Southern Portion Of Alison Park) (D/0991/2002)

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 10.00 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 25TH FEBRUARY, 2003.

.....
CHAIRPERSON