

**MINUTES OF EXTRAORDINARY COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 17TH DECEMBER, 2002 AT 6.28 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
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvert.
Director Governance, Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Acting Manager Development Assessment	Mr. K. Kyriacou.

1. APOLOGIES.

Nil.

2. MINUTES

Nil.

3. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

RESOLVED: (Daley/Andrews) that the meeting, be adjourned at 6.29 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

1. Ms Carol Abela, 1587 Anzac Parade, La Perouse on Item 6.2, Director Planning & Community Development's Report 114/2002 - 1-13 Friendship Road, Molineux Point.
2. Ms Carol Abela, 1587 Anzac Parade, La Perouse on Item 6.3, Director Planning & Community Development's Report 115/2002 - 1430 Anzac Parade, Little Bay.
3. Mr Alex Gencur, Charm Street, Pagewood on Item 6.5, Director Planning & Community Development's Report 117/2002 - 76-82 Anzac Parade, Kensington.
4. Ms Valerie Hill, 92 Perouse Road, Randwick on Item 6.8, Director Planning & Community Development's Report 120/2002 - 88 Perouse Road, Randwick.

5. Mr Michael McPhee, 372-388 Anzac Parade, Kingsford on Item 6.9, Director Planning & Community Development's Report 121/2002 - 390-396 Anzac Parade, Kingsford.
6. Mr Frank Back, 73 Belmore Road, Randwick on Item 6.9, Director Planning & Community Development's Report 121/2002 - 390-396 Anzac Parade, Kingsford.

The meeting was resumed at 6.45 p.m.

4. MAYORAL MINUTES.

4.1 MAYOR'S MINUTE 85/200 - CLOVELLY ROAD, CLOVELLY PEDESTRIAN CONDITIONS AT CLOVELLY RSL. (R/0191/02)

349 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that a plan detailing options for a pedestrian refuge and the accompanying loss of parking be referred to a future Traffic Committee meeting.

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

4.2 MAYOR'S MINUTE 86/2002 - WAIVING OF 4 HOUR PARKING RESTRICTIONS - MAROUBRA BEACH CAR PARK. (98/S/1411)

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

- (a) Council lift the 4-hour parking restrictions in the Maroubra Beach car park for the Inter Cities Championship Carnival to be held on 22nd February 2002; and
- (b) the request to use Broadarrow Reserve and part of Byrne Reserve for motor vehicle parking be approved subject to marshals being engaged to ensure the orderly and efficient parking of vehicles within those areas.

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

AMENDMENT: *(Greenwood/Matson)* that the organisers of the event arrange for a bus shuttle from the City to Maroubra Beach for the day to facilitate the movement of visitors to the Surf Carnival. **LOST**

4.3 MAYOR'S MINUTE 88/2002 - MONUMENT IN MEMORY OF LOCAL VICTIMS OF THE BALI BOMBINGS. (98/S/2438)

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

- (a) formal application be made to the Geographical Names Board of New South Wales requesting that the headland at the northern end of Coogee Beach be named "Dolphins Point" in memory of the local victims of the Bali bombings; and
- (b) a memorial plaque also be installed at Malabar.

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

(This resolution was unanimously carried by Council.)

4.4 MAYOR'S MINUTE 89/2002 - AFFIXING OF COUNCIL'S SEAL. (P/001615)

352 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council's Seal be affixed to the Deed of Release between Council and New Design Centres Pty Ltd in relation to the payment of reasonable compensation.

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

4.5 MAYOR'S MINUTE 90/2002 - EPIPHANY CELEBRATION - USE OF COUNCIL EQUIPMENT. (98/S/1393)

353 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council agree to the free use of the listed equipment requested by the Greek Orthodox Archdiocese of Australia Epiphany Service on 6th January, 2003.

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

4.6 MAYOR'S MINUTE 91/2002 - GRACE POINT CHRISTIAN CHURCH. (98/S/3363)

354 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council vote \$2,192.60 to cover the fees associated with the 2003 Clean Up Australia Day event being organised by Grace Point Christian Church and funds be allocated from the Councillors' Requested Works Vote.

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

4.7 MAYOR'S MINUTE 92/2002 - HEFFRON NETBALL ASSOCIATION - COURT LIGHTING AND TRAFFIC MANAGEMENT AT HEFFRON PARK. (98/S/1952)

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

- (a) *The Mayor and General Manager be authorised to negotiate a cost sharing arrangement with the Randwick Netball Association for maintenance of floodlighting on the Heffron Park netball courts;*
- (b) *Council's contribution towards the works in (a) above be funded from the Councillors' Bids Vote; and*
- (c) *The suggestion that right turns into and out of the Fitzgerald Avenue entrance to Heffron Park be banned be referred to the Randwick Traffic Committee for investigation.*

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

4.8 MAYOR'S MINUTE 93/2002 - WAIVING OF FEE FOR TROPFEST FILM FESTIVAL 2002. (98/S/0636)

356 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that the applicant be charged the administration fee of \$64.70, and that Council vote \$519.75 to cover the filming fee

associated with "Board" and funds be allocated from the Councillors' Requested Works Vote.

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

4.9 MAYOR'S MINUTE 94/2002 – NEW YEAR'S EVE FIREWORKS AT COOGEE. (98/S/2404)

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

- (a) Council vote \$5,000 from Councillors' Bids Vote to contribute towards the fireworks demonstration; and
- (b) Council design and displays a promotional banner advertising the event to be erected across Coogee Bay Road.

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

4.10 MAYOR'S MINUTE 95/2002 - VIBES ON A SUMMER DAY FESTIVAL TO BE HELD ON THE 2 FEBRUARY 2003, AT ARTHUR BYRNE RESERVE, MAROUBRA. (98/S/0740)

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

- (a) Council give an "in principle" approval for Vibes On A Summers Day Festival Pty Limited to stage the Vibes on a Summers Day Festival to be held on the 27th January 2003, at Arthur Byrne Reserve, subject to:
 - i. an application pursuant to section 68 of the Local Government Act 1993, submitted, assessed and approved by Council, prior to the carrying out of the event,
 - ii. adequate measures are included within any such approval to ensure the event does not cause any undue environmental or amenity impacts, to the Reserve and the surrounding locality.
 - iii. a letterbox drop being undertaken to the adjoining premises;
- (b) Councillors be circularised with a copy of the approval for the event.

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

5. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

5.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 149/2002 - BRUCE STREET, KINGSFORD - PROPOSED 2P PERIOD PARKING. (R/0124/02)

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

- 1. The residents of Bruce Street and nearby businesses be surveyed on the proposal to introduce:
 - (a) '2P 8.30am – 6.00pm Mon-Fri; 8.30am – 12.30pm Sat' signs on the eastern

side of Bruce Street in the angle parking spaces between Gardeners Road and Gardeners Lane;

- (b) *'2P 9.00am – 3.00pm signs on the western side of Bruce Street in the angle parking spaces north of Gardeners Lane (opposite).*
2. *The missing '1P 8.30am – 6.00pm Mon-Fri; 8.30am – 12.30pm Sat' signs be replaced as a matter of urgency on the western side of Bruce Street between Gardeners Road and the first driveway;*
3. *The existing '15 Minute P 8.00am – 9.00am; 3.00pm – 4.00pm School Days' zone on the western side of Bruce Street be extended to the northern end of the angle parking area outside the church property as a matter of urgency; and*
4. *The RTA be requested as a matter of urgency to advise of the status of the implementation of a '40 km/h School Zone' in Bruce Street and Gardeners Road, Kingsford for St Spyridon's Primary School.*

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

5.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 150/2002 - BUS SEATS. (98/S/0959)

360 **RESOLUTION: (Matson/Greenwood)** *that the Director Asset and Infrastructure's Report 150/2002 be received and noted.*

MOTION: (Matson/Greenwood) *that:*

- a) *Council notify the S.T.A. of its opposition to their refusal to accept their responsibility for installing bus seats at bus stops; and*
- b) *A report be submitted to Council detailing what measures can be implemented by Council to find a revenue flow to allow Council to take on the responsibility, if required, of providing bus seats, such as amended Section 94 plans. LOST.*

FURTHER MOTION: (Bastic/Daley) SEE RESOLUTION.

5.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 151/2002 - PUBLIC DRINKING RESTRICTIONS IN EAST WARD PARKS AND RESERVES. (98/S/2438 xr 98/S/1148 xr 98/S/1219 xr 98/S/1285)

361 **RESOLUTION: (Backes/Andrews)** *that:*

- a) *Council prohibit the consumption of alcohol from sunset to sunrise in Dunningham Reserve, Goldstein Reserve and Grant Reserve, and that the appropriate signage advising of this be installed at key locations throughout the reserves;*
- b) *The Police be advised of the implementation of such restrictions to enable effective enforcement; and*
- c) *Maps of the affected reserves be circulated to Councillors for their information.*

MOTION: (Backes/Andrews) SEE RESOLUTION.

5.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 152/2002 - SAND FENCING CONTRACT. (98/S/2853)

362 **RESOLUTION:** (*Procopiadis/Daley*) that Metal Fencing Specialists Pty Ltd be appointed to carry out dune fencing and pathway repairs and construction in Randwick City for a two year period with an option for a further year.

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

5.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 153/2002 - 32 BEACH STREET, COOGEE - DRAINAGE PROBLEMS. (98/S/2136 xr P/004045)

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

- a) *The contents of the Director Asset & Infrastructure Services' Report 153/2002 be noted;*
- b) *Mr. Sweeney be requested to demonstrate the extent of his compliance with the conditions of approval attached to the construction of the pool and garage;*
- c) *Council retain the services of a suitably qualified Drainage Consultant to carry out an analysis of a projected flood frequency including depths of Mr. Sweeney's property, should full compliance with the conditions of approval be achieved; and*
- d) *Should further investigations be required, the Drainage Consultants be retained to closely examine the implications of the two (2) drainage options referred to in the Report.*

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

6. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 113/2002 - 8 PINE STREET, RANDWICK (D/0260/2002)

364 **RESOLUTION:** (*Daley/Tracey*) that Council, as the responsible authority, refuse its consent under Section 96 of the Environmental Planning & Assessment Act 1979 (as amended) to modify Development Consent No. 02/00260/GE on property No. 8 Pine Street, Randwick for the following reasons:

- 1) *The proposed modification does not constitute substantially the same development as originally approved; and*
- 2) *The proposed modification results in a significant breach of the maximum permissible floor space ratio standard pursuant to Clause 32 of RLEP 1998.*

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

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

**6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
114/2002 - 1-13 FRIENDSHIP ROAD, MOLINEUX POINT. (D/0994/2002)**

365 **RESOLUTION:** *(White/Daley)* that 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/0994/2002 for the construction of a new trade and transport terminal comprising 6 warehouses, 2 areas for import and export containers, offices and amenities, associated carparking, internal roads and landscaping at 1-13 Friendship Road, Port Botany, 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. *A Statutory Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) in the format defined by the Contaminated Lands Management Regulation, 1998 having regard to the current development proposal, detailing the site is suitable for its intended use, groundwater, land contamination and off site migration issues have been adequately assessed. The SAS is to be unconditional in that it does not require ongoing monitoring, on going review or remedial works being undertaken.*
2. *The site audit statement shall be developed and prepared in accordance with the following:*
 - a) *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
 - b) *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.*
 - c) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
 - d) *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
 - e) *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*

- f) Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.

Evidence required to satisfy the above conditions must be submitted to Council within 12 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 A1-02B210-D01 Revision C, A1-02B210-D02 Revision C, A1-02B210-D03 Revision C, A1-02B210-P01 Revision B, and A1-02B210-P02 Revision B, stamped received by Council on 25 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 colours, materials and finishes of the external surfaces to the building are to be compatible with surrounding development to maintain the integrity and amenity of the building and the street scape.

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

- b) **a construction certificate being issued for the proposed development.**
3. The stacking of full containers shall be limited to 4 high whilst empty containers shall be limited to 6 high.

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

4. An Acid Sulphate Soils Management Plan (ASSMP) is to be prepared by a suitably qualified and experienced consultant and shall be submitted and approved to the Council's Director of Planning and Community Development **prior to a construction certificate being issued** for the development in accordance with Section 80A of The Environmental Protection and Assessment Act 1979. The ASSMP is to be based on the Acid Sulphate Soils Management Advisory Committee. Manual, Acid Sulphate Soils Management Guidelines, 1998.

5. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for validation/remediation of the site as suitable for this development site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes 1999'.*
6. *All trucks and service vehicles leaving the site shall go through a suitably constructed "on site" truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*

The following conditions are applied to ensure adequate environmental protection.

7. *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).*

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:

8. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
9. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **following one month of the 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.*
10. *The use and 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, Richard Heggie Associates Pty Ltd dated 21 October 2002 makes reference to the set criteria as outlined in the "Noise Impact Assessment", prepared. Namely, the project specific goals are as follows:*
 - *L_{Aeq} (15 minute) noise emissions from the facility should not exceed 52 dBA, 45 dBA and 40 dBA (day, evening and night-time periods respectively) at the nearest **residential** boundaries.*
 - *L_{Aeq}(15 minute) noise emissions from the facility should not exceed 65 dBA (any time of the day) at the nearest **commercial/industrial** boundaries.*

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:

11. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
12. *There are to be no emissions or discharges from the premises, which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
13. *All chemicals shall be stored in accordance with:*
 - *Australian Standard AS 940-1993. The Storage and Handling of Flammable and Combustible Liquids*
 - *Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management)*
14. *Hazardous waste, liquid waste, asbestos or asbestos products and dangerous goods not being stored or processed at the site.*
15. *All occupiers being responsible to ensure that all liquid wastes associated with the business are disposed of in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (199) and the Protection of the Environment Operations Act, 1997 (NSW).*
16. *Sufficient supplies of appropriate absorbent materials and/or other spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills being cleaned up using dry methods only.*
17. *An Emergency Response Management Plan being prepared and submitted to Council's satisfaction **before the issue of the Occupation Certificate**. The plan shall include the following:*
 - *list of chemicals and maximum quantities permitted to be stored at the site at anyone time;*
 - *identification of potentially hazardous situations;*
 - *procedure for incident reporting;*
 - *details of spill stations and signage;*
 - *containment and clean-up facilities and procedures; and*
 - *the roles of all staff in the Plan and details of staff training.*
18. *The fuel filling area being designed and operated in accordance with:*
 - *Australian Standard AS 1940 – 1993 “The storage and handling of flammable and combustible liquids”*
 - *Council's Storm water Management Plan; and*
 - *Environment Protection Authority's Environmental Guideline: Surface Water Management on the Covered Forecourt Areas of Service Stations.*
19. *Sign(s) being displayed and maintained adjacent to all storm water drains on the*

premises, clearly indicating **'Clean water only – NO wastewater or rubbish'**.

20. *Liquid and solid wastes generated on the site being collected, transported and disposed of in accordance with the Protection of the Environment Operations Act, 1997. Records shall be kept of all waste disposal from the site.*
21. *The open parking area(s) and paved areas must drain to a storm water treatment device capable of removing litter, oil, grease and sediment prior to discharge to the storm water system, complying with:*
 - *Council's Storm water Management Policy;*
 - *Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Storm water First Flush Pollution);and*
 - *Environment Protection Authority's Managing Urban Storm water: treatment techniques.*

*Details of which are to be submitted and approved by the Principal Certifying Authority **prior to a Construction Certificate being issued.***

The storm water treatment device(s) being maintained at all times to Council's satisfaction.

22. *The operation of the premises being conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act, 1997.*

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

23. *The following damage deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) \$2000.00 - Security damage deposit

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

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

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

a) \$2000.00 - Vehicular crossing deposit

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

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

25. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a) *Construct a full width concrete industrial strength vehicular crossing and layback at kerb opposite the vehicular entrance to the site.**
26. *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.*
27. *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.*
28. *All car parking spaces must be a minimum 2.5 metres x 5.5 metres with 6.2 metre aisle widths.*
29. *Two disabled parking spaces are to be provided on the site with a minimum width of 3.2 metres.*
30. *All internal roads must be linemarked with pavement arrows indicating direction of traffic flow.*
31. *Internal roadways shall be of adequate width to accommodate turn paths of the largest vehicle using the site.*
32. *The entry and exit driveways must be a minimum of 8 metres wide each with a 3 metre separation. The internal roads must be a minimum of 4.5 metres wide for one way traffic and 6.5 metres for two way flow. These can be narrowed to 4.0 metres at the boom gate to enhance security. The plans submitted for the construction certificate shall demonstrate compliance with this condition.*
33. *The proposed boom gate at the vehicular entrance to the site shall be a minimum of 30 metres from the property boundary to prevent vehicles queuing onto Friendship Road. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
34. *The applicant shall meet the full cost for the installation of 'No Stopping' signposting*

along the site frontage in Friendship Road to Council's satisfaction. This condition has been attached to improve sight distance for vehicles exiting the site, and to improve manoeuvring room for trucks turning into the site.

35. *Prior to the issuing of a construction certificate, an electronic copy of traffic modelling for the Botany Road/Bumborah Point Road intersection which includes current traffic plus proposed development traffic is to be forwarded to the RTA's Development Assessment Unit for assessment and verification of the right turn bay's capacity. Should the capacity of the right turn bay be inadequate, the applicant shall meet the full cost for Council or a Council approved contractor to increase the size of the turning bay and/or upgrade the intersection as required by the RTA.*
36. *All heavy vehicles shall access the development via Bumborah Point Road and Botany Road.*

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

37. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the new driveway accesses off Friendship Road shall be:*
 - *50 mm above the top of the existing kerb along the full site frontage.*

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

38. *The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
39. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$792 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

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

prior to a construction certificate being issued for the development.

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

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

44. *Site stormwater drainage details shall be generally in accordance with the submitted concept drainage plan No. 00170-02REF, dated 2/10/2002 by Sydney Ports Corporation and supporting documentation contained in Appendix D of the statement of environmental affects.*

45. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority and **the Sydney Ports Corporation** prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
- b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes,*
- 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.*
46. *Prior to site stormwater being discharged from the site it shall be taken through pollutant traps capable of removing gross pollutants, oil, grease, sediments and silts. Details of the proposed pollutant traps together with a maintenance schedule shall be submitted to the certifying authority for approval prior to the issuing of a construction certificate.*
47. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
48. *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.*
49. *The fuel dispensing area shall be covered and graded and drained to the sewer to the requirements of Sydney Water.*

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

50. *Prior to the accredited certifier issuing an occupation certificate for the proposed development, a Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services.*

In accordance with the Molineux Point Master Plan Guidelines, the Waste Management Plan shall:

- a) Include reuse strategies and targets for waste planning for the facility;*
 - b) Detail the type and quantity of waste to be generated by the proposed use;*
 - c) Detail the facilities and procedures for the storage, collection, recycling and disposal of waste.*
 - d) Include a diagram detailing the location and specifications of the garbage and recycling storage areas.*
51. *The garbage storage areas shall be provided with a tap and hose and the floor areas shall be graded and drained to the sewer to the requirements of Sydney Water.*

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

52. *The landscaped areas shown on the Landscape Concept Plan number LS1C, dated October 2002 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to*

be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), 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 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. *The landscape plan shall show a minimum number of 30 x 200 litre broad canopied trees (not palm) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
- 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. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species.*
- i. *Location of easements within the site (if any).*

53. *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.

54. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*
55. *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.

56. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
57. *Any 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 any 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 all trees within the site.*
59. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$20,000.00 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.

60. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

Advisory Conditions

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

A2. *Prior to undertaking any works along the property boundary in Simblist Road and Friendship Road (other than the new vehicular entry shown on the submitted plans), the applicant is advised to contact Council's Asset and Infrastructure Services Department to obtain alignment levels.*

MOTION: (White/Daley) SEE RESOLUTION.

PROCEDURAL MOTION: (Matson/Greenwood) that this application be deferred to allow time to explore Council's obligations under the International Ramsar Agreement in relation to migratory birds. **LOST.**

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

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

**6.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
115/2002 - 1430 ANZAC PARADE, LITTLE BAY. (D/0948/2002)**

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

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0948/2002 for the demolition and partial demolition of buildings at 1430 Anzac Parade, Little Bay, subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plan numbered Proj. No. 200.017.95 dated September 2002 and received by Council on 8 October 2002, and 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. *A work plan shall be prepared in accordance with Australian Standard AS260-2001 Demolition of Structure by a suitably qualified and experienced person, to be submitted to Council's Director – Planning and Community Development who will then enlist the services of a suitably qualified consultant to review the work plan prior to its approval by Council (at the applicant's cost). The Work Plan shall include (but not be limited to);*
 - *The identification of any hazardous materials (including asbestos and surfaces coated with lead paint); and*
 - *The proposed method of demolition, storage/ containment and disposal methods for hazardous materials; and*
 - *The precautions to be employed to minimise any dust nuisance*
 - *The appointment and details of a site manager.*

Once approved by Council, each building to be demolished should be cleared of hazardous material in accordance with the Work Plan. Hazardous Materials Clearance Certificates should be reviewed and endorsed by the Site Auditor as adequate and satisfactory prior to further demolition of the building.

The following conditions are applied to provide adequate provisions for heritage conservation:

3. *A Master Program and Site Co-ordination Plan shall be prepared for the proposed works and submitted to Council prior to the commencement of works. The Master Program and Site Co-ordination Plan shall include, but not be limited to, the following:*
 - *protective measures to ensure that significant built and landscape elements and their fabric are not damaged during demolition and partial demolition works*
 - *protective measures to ensure significant landscape elements, including areas of indigenous vegetation, coastal scenery, sandstone outcrops, ornamental plantings, spaces, views, vistas and layout*

- *identify any works including roads and temporary fencing in the vicinity of the Critical Exposure Cleared Area of Paleovalley that make up the Little Bay Geological Site*
 - *identify any demolition/excavation works that would threaten documented and identified sites of Aboriginal Archaeology*
 - *a method statement if archival recording of buildings is not completed prior to handover of the site from the South Eastern Sydney Area Health Service*
 - *identify any demolition/excavation works that would impact upon Historical Archaeological resources/sites*
 - *incorporate the recommendations of the Heritage Impact Statement submitted with the subject application, and any other applicable matters in the Conservation Management Plan and Archaeological Management Plan in relation to the Management of Archaeological Sites and Archaeological Potential*
4. *Ongoing consultation with the La Perouse Aboriginal community should be undertaken regarding the conservation and management of sites valued by the Aboriginal community.*
 5. *The archival recording of each building to be demolished or partially demolished should be prepared and submitted to and approved by Council prior to the commencement of any demolition works. The recording should be undertaken in accordance with the NSW Heritage Office guidelines for a site of State significance and in accordance with recommended program for archival recording in the CMP.*
 6. *Appropriate protective measures to ensure that significant built and landscape elements and their fabric are not damaged during the partial demolition of some buildings should be included in the Master Program and Site Co-ordination Plan. Details of protective measures are to be submitted to Council for approval prior to the commencement of any demolition works.*
 7. *Elements or fabric of potential heritage significance contained within those buildings to be demolished are to be salvaged and stored on site for potential future reinstatement of missing components and/or for interpretation purposes in retained buildings or sections of buildings, in accordance with the Table of Components of Demolished Buildings to be Retained, prepared by Godden Mackay Logan.*
 8. *Further archaeological assessments should be undertaken on a site-specific basis where required in accordance with the Archaeological Management Plan, commensurate with graded zones of archaeological significance. Such management may involve liaison with the local Aboriginal community, archaeological monitoring and appropriate excavation permits.*
 9. *Management of the Aboriginal and historical archaeological resources within the Prince Henry site should be consistent with those processes set down in the Archaeological Management Plan (AMP).*
 10. *Any moveable items of historical archaeological significance should be recorded in situ prior to removal to a secure location for subsequent reinstatement or site interpretation.*
 11. *Archival records of demolished buildings shall be made available for a subsequent*

Interpretation Plan for the site, to be undertaken to a program to be approved by Council prior to commencement of demolition.

12. *A separate Specific Elements Conservation Policy should be prepared for the historic roads that would be affected by the proposed demolition works to ensure that their significance is not affected. This Conservation Policy shall be to be submitted to and approved by Council prior to the commencement of any demolition works.*
13. *A separate Specific Elements Conservation Policy should be prepared for those significant buildings that would remain (of moderate or greater significance) prior to any works to the buildings that may be required to accommodate their temporary use. This Conservation Policy shall be to be submitted to and approved by Council prior to the commencement of any demolition works.*
14. *Appropriate protective measures to ensure that significant built and landscape elements and their fabric are not damaged during demolition works should be included in the Master Program and Site Co-ordination Plan, to be submitted to Council prior to the commencement of any demolition works.*
15. *If demolition works, including access roads and temporary fencing, are to occur in the vicinity of the Little Bay Geological Site, then a separate Specific Elements Conservation Policy should be prepared, which is to include liaison with the University of New South Wales, the Heritage Council of NSW and Randwick Council, to define the specific conservation needs on both sides of the boundary.*
16. *The results of any test drilling or excavating within the possible extent of the Paleovalley should be made available for further scientific research.*
17. *All works are to be undertaken in accordance with the recommendations set out in the August 2002 Heritage Impact Statement prepared by Godden Mackay Logan with the following additions:*
 - a) *If any archaeological relics are uncovered during the course of the work, then works shall cease immediately in that area and the NSW Heritage Office shall be contacted. Depending on the possible significance of the relics an archaeological assessment and an excavation permit under the NSW Heritage Act, may be required before further works can be considered in that area.*
 - b) *Prior to the demolition of the kitchen wing of the Matron Dickson Building, a Specific Elements Conservation Policy (SECP) is to be prepared and approved for the building and its setting. Demolition must be in accordance with the endorsed Conservation Policies.*
 - c) *The significance of elements within the curtilage of each specific heritage item, and any moveable items, should be included in the Specific Elements Conservation Policy (SECP).*
 - d) *A description of the characteristic features of the building type and a conservation policy for that building type, for example ward pavilions, that demonstrates an understanding of the building's typology is to be included in the Specific Elements Conservation Policy (SECP).*

- e) *In addition to the Specific Element Conservation Plans, a Statement of Heritage Impact is to be prepared for works to items of moderate and greater significance where it is proposed that significant fabric is to be modified for temporary uses. Both documents are to be submitted for approval.*
- f) *An illustrated catalogue of salvaged items is to be maintained, which records their provenance and storage location. A system of tagging significant items to be retained in situ or relocated is to be developed and included in the Master Program & Site Co-ordination Plan. This catalogue is to form part of the archival record.*
- g) *The extent of demolition required to remove intrusive elements and items of little significance from significant items is to be developed in consultation with the Heritage Consultant, to minimise damage to surrounding fabric of higher significance.*
- h) *The Archival Record is to include evidence of significant earlier configurations of the buildings discovered in the course of the partial demolition works. It is also to record the sites at selected intervals during the demolition and on completion of demolition.*
- i) *The Archival Record is to contain a summary outlining any findings that should be included in any future upgrades of the CMP.*
- j) *Copies of the Archival Recording are to be lodged with Landcom, the on site Museum, the Dept. of Health and the Heritage Office.*

The following conditions are applied to provide adequate provisions for health/safety:

- 18. *The proponent shall appoint a suitably qualified Environmental/Community Liaison Officer, dedicated to the site to ensure strict compliance onsite with all conditions of consent and in particular to ensure all works comply with relevant provisions of the Protection of the Environment Operations Act 1997. The Officer shall also act as a liaison link, first point of contact with the community to act on any complaints arising. A monthly summary report shall be submitted to Council, detailing any complaints and the rectification actions.*
- 19. *A 24 hour complaints hotline shall be set up and maintained at all times, the number of which is to be displayed on signage around the perimeter of the site and notified to the surrounding community by newsletter.*

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:

- 20. *Noise emissions during the demolition of the buildings 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*
- 21. *The operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

The following conditions are applied to maintain reasonable levels of environmental amenity, health, general safety and amenity and public health safety during demolition works.

22. *Public access to the portions of the site where demolition is to occur, and to materials and equipment is to be restricted, when work is not in progress or the site is unoccupied. Temporary safety fencing to surround the buildings being demolished, is to be provided to protect the public. 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 and the site auditor.*
23. *Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*
24. *The public safety provisions and temporary fences must be in place prior to the commencement of demolition works and be maintained throughout the project.*
25. *Prior to the commencement of works, adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
26. *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.*
27. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
28. *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.*
29. *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.*
30. *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.*
31. *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.

32. *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.*
33. *The works shall not give rise to an environmental or public nuisance or, cause any offence under the Protection of the Environment Operations Act 1997.*

The following conditions are applied to ensure adequate environmental protection.

34. *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).*
35. *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).*
36. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
37. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition of hazardous materials is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*

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

38. *Any new information that comes to light during demolition, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Site Auditor immediately.*
39. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site*

onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.

40. *Following demolition activities, soil must be tested by a person of suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be furnished to Council upon completion of the works.*

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

41. *The following damage deposit requirement is to be complied with prior to the commencement of demolition work on the site, as security for making good any damage caused to the roadway, footway, verge or any public place in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all demolition 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 demolition works.

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

42. *Traffic management for the duration of the demolition works shall generally be undertaken in accordance with the submitted 'Demolition Traffic Management Plan' prepared by Gary Shields and Associates Pty Ltd, dated November 2002.*
43. *RTA certified traffic controllers shall be used within the site for the duration of the demolition works to prevent conflicts of passing traffic on the narrow internal roads.*
44. *All heavy vehicles shall access the site from Anzac Parade. This condition has been attached to minimize the disturbance to residents in the surrounding areas.*
45. *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 demolition works being carried out at the above site.*

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

46. *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:

Tree Management

47. *Approval is granted for the removal of any trees or palms, covered by Council's Tree Preservation Order, that are located within 1 metre of any existing structure proposed for demolition, excluding those Phoenix canariensis (Canary Islands Date Palms) and Erythrina x sykesii (Coral Trees) that form part of the avenue planting adjacent to Pine Cottage.*
48. *Permission is granted for the removal of only those trees and palms 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.*

Tree Protection Measures

49. *In order to ensure the retention of all trees and palms covered by Council's Tree Preservation Order (excluding those approved for removal above) that are located within 5 metres of any existing structure proposed for demolition in good health, the following measures are to be undertaken:*

- a) *The trees and palms are to be physically protected by the installation of protective fencing around the trees and palms 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 trunks of the trees and palms.*

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

The applicant is required to contact Council's Landscape Architect on 9399 0786 to organise for an inspection of the tree protection fencing prior to the commencement of any demolition works.

- b) *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, nor any stockpiling of soil or rubble.*
- c) *Any excavations below the existing ground level within 4 metres of the trunks of the trees or palms 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) *The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- e) *Watering of the trees and palms (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point g.*
- f) *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- g) *A Letter of Undertaking shall be lodged with Council prior to the commencement of demolition work, in order to ensure the preservation of the trees and palms in accordance with the requirements described in this*

condition.

The Letter of Undertaking shall ensure that the tree protection measures as described in this condition are undertaken throughout the demolition period and the trees and palms have been retained in good health.

For any damage to trees the applicant will be charged the full cost of replacement and where such damage requires removal of a tree Council will charge the applicant an amenity value calculated using the relevant Draft Australian Standard.

The following conditions are applied to provide adequate provisions for health/safety:

50. *A waste management plan detailing demolition waste management arrangements shall be submitted to Council for consideration prior to commencement of works.*

Advisory Conditions/Matters

1. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
2. *Landcom, the NSW Heritage Office and Council's Heritage Planner meet to give further consideration to the retention of the Administration Building.*

MOTION: (Bastic/Daley) SEE RESOLUTION.

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

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

**6.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
116/2002 - 221-227 ANZAC PARADE, KENSINGTON. (D/0720/02/GR)**

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

- A. *Council as the responsible authority grant its development consent 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/0720/02 for construction of a educational building and associated basement car parking at 221-227 Anzac Parade, Kensington, subject to the following conditions:*

Deferred Commencement Conditions

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

1. *A consolidated set of finalised architectural plans, which reflect the amendments made in draft form are to be submitted to Council. The plans are to incorporate the following:*
 - *Details of the proposed colours, materials and textures and coloured elevations at a scale of 1:100 of the building are to be submitted to and approved by Council's Director of Planning and Community Development. Where details have been provided to the satisfaction of Council previously these are to be included for consistency and to provide consolidation of the approved plans.*
 - *The preliminary plans stamped received by Council on 27 November, for Option 02 labelled Level Lower Ground Level, Level Ground, Level 01(Courtyard), Level 02, Level 03, Level 04, Level 05, Level 06, Level 07 (Roof) and the undated drawings Section@ grid C and cross sections between grids G.R.H. are to be represented to Council in a finalised architectural drawing format at a scale of 1:100.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, or the consent will lapse.

Development Consent Conditions

Subject to compliance with the deferred commencement condition, to the satisfaction of the Director Planning and Community Development, 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 generally in accordance with the plans drawn by Bligh, Voller, Nield Architects numbered A-D002(OPT 2), Issue 6 of A-D003, A-D004, A-D005 and A-F003(OPT 2) dated received by Council on 21 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:*
2. *The maximum height of the central portion of the northern and southern facades is not to exceed RL 36.2. This condition is imposed to clarify anomalies in the documentation and to ensure the scheme achieves the amendments discussed to minimise impacts on adjoining properties. This requirement is to be shown in the drawings submitted with the Construction Certificate application.*
3. *Forty-Five (45) bicycle parking spaces are to be provided in a secure and convenient location, nearby the entry to the building for the use of building occupants and visitors. Clear signage is to be provided indicating the location of the spaces from the front entry.*

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.

4. *The applicant is to dedicate a minimum of fifty-six spaces in the approved extension to the Barker Street carpark for use by staff, students and visitors to the building at 221-227 Anzac Parade. These spaces are to be appropriately marked and monitored to ensure the provision of 56 spaces for exclusive use of the proposed building is maintained. A plan of the proposed Barker Street parking indicating the spaces to be dedicated is to be provided with the application for a Construction Certificate.*
5. *Courtyard plantings shown in the plans required by Condition 86 are to be deciduous species. This condition is imposed to ensure appropriate shade /solar access and amenity to the courtyard area during summer and winter.*
6. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning & Environment pursuant to the deferred commencement condition.*

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:

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

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

8. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
9. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

10. *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.*
11. *Details of compliance are to be provided in the plans and specifications for the construction certificate.*

12. *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, 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:

13. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

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

14. *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 minimization 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.

15. *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.*

16. *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 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**.*

17. *The installation of ground or rock anchors underneath any adjoining premises/buildings 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.***

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

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:

19. *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.*
20. *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.*

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.

Documentary evidence of the building inspections carried out and compliance with Council's approval 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, to the satisfaction of the Principal Certifying Authority) 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, sand, soil, debris, waste containers or other obstructions.*

21. *Prior to the issuing of any strata subdivision certificate for the development, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council), which confirms that the development has been carried out in accordance with the relevant development consent conditions.*
22. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*

23. *Retaining walls or shoring must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.*

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

24. *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.*

25. ***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.*

26. ***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.***

27. *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.*

28. *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.*

29. *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 all floor slabs showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
30. *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.*
31. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*
32. *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.*
33. *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 and debris at all times.*
34. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

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

35. *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.

36. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.

37. *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 and debris at all times.*

38. *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.*

39. *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.

40. *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.

41. *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.*
42. *Public access to the site and building works, materials and equipment on the site is to be restricted.*

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 the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

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

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

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

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

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

44. *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.*
45. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

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

46. *Access, car parking, lift facilities, signage, hearing augmentation and sanitary facilities for persons with disabilities being provided to the building, in accordance with Parts D3 and F2 of the Building Code of Australia. Details of compliance are 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:

47. *Food preparation, storage and service areas are 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.*
48. *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 60C 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 5C and keep this food cold at or below that temperature.

49. *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.***
- *The disposal of waste materials in the domestic garbage service is not permitted. All waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council **prior to occupation** of the building.*
- *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.***

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

50. *Prior to a **construction certificate being issued**, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water*

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

The Site Contamination Investigation report is to be submitted to and approved by Council’s Manager Environmental Health & Building Services prior to issuing a construction certificate.

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

*Should the Detailed Site Investigation Report identify that the land is contaminated, then a Remedial Action Plan (RAP) is required to be submitted to and approved by Council prior to commencing remediation works. Upon completion of any remediation works, a Site Audit Statement and Summary Site Audit Report is to be submitted to and approved by Council, **prior to a construction certificate being issued**, stating that the site is suitable for the intended development and use.*

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

Any necessary 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 Environmental Protection Authority and DUAP, Randwick City Council’s Contaminated Land Policy 1999 and the Protection of the Environment Operations act 1997.

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

51. *The following damage deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

a) \$5000.00 - Security damage deposit

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

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

commencement of any building/demolition works.

52. *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) \$5000.00 - Vehicular crossing deposit

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

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

53. *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.***

54. *No site construction works are to be commenced 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 Anzac Parade and Barker Street Randwick, as referred to in **Conditions 81 and 83** 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).*

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

- a) *Construct a full width concrete industrial vehicular crossing/s and layback/s at kerb in Houston Lane opposite the vehicular entry/exit points for the site.*
- b) *Remove any redundant vehicular crossing/s in either Anzac Parade or Houston Lane reinstate the area to Council's specification.*
- c) *Construct kerb and gutter for the full site frontage in Houston Lane except opposite the vehicular entrance and exit points.*
- d) *Carry out a full depth, minimum 2.0 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
- e) *Construct a full width concrete footpath along the full Houston Lane site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

- f) *Reconstruct the footpath in Anzac Parade along the full Anzac Parade site frontage, such footpath reconstruction works to be in accordance with Council's Urban Design Guidelines for Kensington.*
- g) *Carry out drainage construction works in Anzac Parade and Barker Street generally in accordance with Option 4 as presented in the report titled "UNSW Unisearch House- Hydraulic Calculations of Flood Levels", including restoration of footpaths, reconstruction/construction of kerb and gutter and any associated roadworks.*
56. *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.*
57. *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.*
58. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level, splayed 1.5 metre by 1.5 metre or suitably setback that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
59. *Prior to a Construction Certificate being issued 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.*
- The proposed internal loading dock and adjacent car parking areas shall be designed and constructed at a minimum level of RL 24.50 (This minimum level is required to help reduce the possibility of ponded stormwater in Houston Lane entering these areas).*
60. *Prior to the commencement of any site construction works within or adjacent to the development site the applicant shall submit for approval, and have approved by the Roads and Traffic Authority (RTA) the final approved design for the external stormwater drainage works. All conditions and requirements of the RTA shall form a part of the conditions of consent of this development application.*
61. *The applicant must meet the full cost for Council or a Council approved contractor to carry out all works associated with the new Council stormwater pipeline/s.*

62. *Prior to the commencement of any site construction works the applicant must lodge with Council two Bonds (i.e. deposits 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:-*

h) Bond 1 - \$100,000. This Bond is a security deposit to ensure the construction of the abovementioned civil works.

i) Bond 2 - \$100,000. This Bond is a security deposit to ensure the construction of the Council stormwater pipeline.

The Bonds 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.

63. *Prior to the issuing of a construction certificate for this application the applicant shall submit to Council, for Council's consideration and approval, a detailed parking strategy/parking masterplan demonstrating that the onsite carspace "shortfall" associated with this development, (identified by the applicant as being 56 spaces), can be accommodated within the proposed Barker Street carpark extension. The parking strategy/masterplan shall establish the time frame for construction of the Barker Street carpark extension and shall demonstrate that allocation of 56 spaces to this development will in no way impact on parking provisions for other approved/proposed developments within the UNSW Kensington Campus. The applicant shall contact Council's Development Engineer to discuss Council's requirements for the parking strategy/masterplan prior to preparation of same.*

64. *Prior to the issuing of a construction certificate for this application the applicant shall submit to Council for approval, and have approved, detailed turning manoeuvre diagrams for the proposed loading bay. The turning manoeuvres should demonstrate compliance with the relevant provisions of AS 2890.2 and Council's Development Control Plan - Parking. The applicant shall note the following when preparing the turning manoeuvres:*

Houston Lane will remain open to two way traffic movements with a carriageway approximately 4.9metres in width and footpaths approximately 600mm in width, (i.e. distance from property alignments to the face of kerb shall be approximately 600mm).

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

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

50mm above the centreline of the laneway at all points opposite the centreline, along the full Houston Lane site frontage.

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

66. *The Council's Department of Asset & Infrastructure Services has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Anzac Parade property boundary for driveways, access ramps and pathways or the like, shall be 100mm above the top of the kerb at all points opposite the kerb, along the full Anzac Parade site frontage.*

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

67. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*

68. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1630.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

69. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
70. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or AGL to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
71. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
72. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

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

Site Stormwater Works/Calculations

73. *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. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
74. *Stormwater from the site shall be directed to the stormwater pipeline required to be constructed in Anzac Parade (construction of this pipeline being a condition of this development consent with the pipeline/s being referred to in Option 4 of the document - "UNSW Unisearch House Hydraulic Calculations of Flood Levels" by ARUP).*
- Note that a reflux valve should be constructed within the outlet pipe from the silt arrester pit (and located within the development site so that it can be serviced by the owner/manager of the development).*
75. *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.*

76. *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.*
77. *A sediment/silt arrester pit must be provided:-*
- j) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system in Anzac Parade; and*
 - k) prior to stormwater discharging into any absorption/infiltration system.*

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

- 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 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."

78. *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.*
79. *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.*
80. *Any garbage storage area is to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

External Stormwater Works

81. *Prior to the issue of a Construction Certificate 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 event for this area using the "ILSAX" or "DRAINS" Urban Drainage Simulation Models. 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:

- l) 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*
- m) 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.*
- n) Detailed stormwater drainage plans, longitudinal sections, details and calculations in general accordance with:-*
 - i) the recommendations of the "Floodplain Management Manual" and "Australian Rainfall and Runoff , 1997 Edition".*
 - ii) Option 4 (as presented in the "UNSW Unisearch House Hydraulic Calculations of Flood Levels"by ARUP) This proposal shall include the construction of a stormwater drainage culvert that to drain a 1 in 100 year flood from the low point in Anzac Parade to a suitable location on the pipeline system in Barker Street (where stormwater can overflow in Barker Street and not enter Houston Lane).*

Details required by Council for the design/construction plans for the proposed Council stormwater pipeline/s shall include the following:

- o Plan view as well as longitudinal Sections showing grades and levels to A.H.D.*
 - o Method of supply, laying and backfilling of drainage pipeline.*
 - o Location of public utility services accurately located, levelled and shown on the submitted plans and longitudinal sections.*
 - o Location of Council street trees.*
 - o Junction/Drainage Pit designs.*
 - o Extent of road excavation/restoration works*
 - o A traffic management plan*
- 82. The applicant shall ensure that the floor level of all habitable and storage areas, entrance to stair wells and any portion of any window, vent, or other opening is:-*

- o) a minimum of 300 mm above the 1 in 100 year storm event flood level in Anzac Parade.*
- p) above RL 24.65 in Houston Lane.*

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.

83. *Prior to the commencement of any site construction works the applicant shall submit for approval, 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.*

84. ***Prior to the final inspection or occupation, the applicant shall submit to Council CCTV videos of the Council stormwater pipelines that have been constructed. Such CCTV shall inspect all stormwater pipes for any post construction damage.***

The applicant shall note that should this pipeline be incorrectly laid or damaged, Council will remove the affected 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.

Ground Water

85. *Prior to the commencement of any site construction works the applicant shall submit to Council details that clearly indicate the base level of the proposed lift wells are either:*

- q) *a minimum of 2.0 metres clear of the water table; or*
r) *suitably tanked to a minimum of 2.0 metres above the water table.*

Waste Management Conditions

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

86. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council’s Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction. The applicant shall liaise with Council’s Manager of Waste to obtain Council’s requirements for waste disposal prior to preparation of the waste management plan.*

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

87. *Prior to the issue of a Construction Certificate the applicant shall submit for approval, and have approved by the Certifying Authority, detailed landscape drawings and specifications. The landscape drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:*

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

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works. The applicant shall demonstrate that the courtyard planting has sufficient soil depth for the planting proposed.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- h. *Location of easements within the site and upon adjacent sites (if any).*

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

88. *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.

89. *The applicant shall submit a landscape design for the Anzac Parade street frontage of the development in accordance with Council's Design Guidelines/Specification for the relevant section of Kensington. The landscape design shall include pavements, seat, bin and bus shelter retention/relocation and tree grates/street trees as required by Council's Landscape Architect – 9399 0786.*

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

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

90. *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.

91. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

ADVISORY MATTERS:

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

In this regard, the development consent plans are not sufficiently detailed to show compliance with the deemed-to-satisfy provisions of the BCA.

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

A2. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

MOTION: (Andrews/Bastic) SEE RESOLUTION.

AMENDMENT: (Schick/Seng) that the recommendation contained in the report be adopted, subject to the deletion of classrooms at the lower ground floor level and provision of underground parking for 56 vehicles, details of those plans to be provided to Council.

LOST.

**6.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
117/2002 - 76 - 82 ANZAC PARADE, KENSINGTON. (D/01064/2001)**

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

- A. *the Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio and building height respectively) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the NSW Department of Urban Affairs and Planning be advised accordingly.*
- B. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1064/01 for demolition construction of a mixed commercial/residential development comprising 2 shops, 1 commercial suites, 38 dwellings and associated car parking at 76-82 Anzac Parade, Kensington subject to the following conditions:-*

Deferred Commencement Conditions

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

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

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

2. *A Site Audit Statement (in the format defined by the Contaminated Land Management Regulation 1998) and Summary Site Audit Report is to be compiled by an accredited auditor and submitted to Council prior to a consent being issued.*

The requested documents are to relate to the report dated October 2000 – 99483, titled “Ampol Kensington - Environmental Site Assessment and Tank Pit Validation” in respect of the actual or possible contamination of land and ground water at the subject premises. Furthermore, determine the nature and extent of any contamination of the land and/or ground water; what investigation or remediation remains

necessary before the land is suitable for the proposed development and residential/commercial use.

Should the Site Audit Statement (SAS) be subject to conditions imposed by the site auditor, the applicant is to demonstrate compliance with the conditions.

3. *That a report be submitted to and approved by Council's Director of Planning & Community Development detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and must include but not limited to:*
 - *The proposed method of shoring/piling and dewatering*
 - *The zone of influence of any possible settlement*
 - *The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)*
 - *Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and requirements of the DLWC are satisfied.*
 - *The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)*
 - *The location of all pumping equipment in relation to the property boundaries*
 - *The proposed method of noise attenuation for all pumping equipment i.e.; so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential dwelling and not to be audible at all between the hours of 10pm and 7am within any residential dwelling*
 - *A statement from suitably qualified and experienced Geotechnical and Hydrological Engineers, with the concurrence of a Structural Engineer, that there will be no detrimental settlement to adjoining or nearby buildings using the chosen method of excavation/dewatering.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent in accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, 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 plans drawn by GA Design and numbered A.01, A.10, A.11, A13-15 Issue A of the plans numbered A.02, A.03, A.05-A.09, Issue B of A.04 and A12 of Job Number 02.337 dated April 2002 and received by Council on 06/12/02 as a consolidated set, the application form*

and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning and Community Development pursuant to the deferred commencement conditions.*

Department of Land and Water Conservation Terms of Approval:-

Temporary Water Licence Conditions – General and Administrative

3. *The licensee shall allow (subject to Occupational Health and Safety Provisions) the Department of Land and Water Conservation or any person authorised by it, full and free access to the works (excavation or bore/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.*
4. *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.*
5. *Tailwater drainage shall not be allowed to discharge onto adjoining roads (without Council approval), Crown Land or other persons land, or into any river as defined under the Water Act, by surface or sub-surface drains or pipes or any other means.*
6. *Works used for the purpose of conveying, distributing or storing water from the work authorised by the 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.*
7. *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.*
8. *Water shall not be pumped from the borefield authorised by the licence for any purpose other than temporary construction de-watering.*
9. *The licensee shall notify the Department of Land and Water Conservation if a flowing supply of water is obtained.*

Temporary Water Licence Conditions - Specific to DA 1064/01

10. *The licence will lapse if the work is not commenced and completed within three years of the date of the issue of the licence.*

11. *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 work 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 and re-injection tests.*
12. *The Licensee shall maintain a record of the actual volume of groundwater pumped (kilolitres/megalitres) from the de-watering work, the discharge rate (litres per second) and duration of pumping (number of days/ weeks) and supply this information to the Department upon completion of construction.*
13. *The Licensee shall maintain records of the actual volume and quality of tailwater re-injected and supply this information to the Department upon completion of construction.*
14. *The Licensee shall maintain records on groundwater levels on the construction site for a period of at least 12 months following cessation of de-watering/re-injection and supply this information to the Department.*
15. *The Department may request supply of interim information relating to conditions 11-14 at any time until the completion of building construction.*
16. *A groundwater monitoring plan should be prepared which is designed to confirm predicted drawdown behaviour and groundwater quality information prior to, during and following building construction. Department endorsement of the proposed groundwater monitoring plan is required.*
17. *Special conditions (being conditions **10-16**) may be varied by the Department at any time.*
18. *The applicant shall reimburse the costs of Council for its engagement of independent and suitably qualified persons to undertake a peer review of the excavation/dewatering report and provide expert advice to Council during the course of construction.*
19. *The applicant must present proof to Council of receiving the Water Licence, prior to the issue of Construction Certificate. This condition is imposed to ensure that works do not commence prior to the obtaining of a licence.*
20. *A new development application shall be submitted for the strata sub-division of the proposed development*
21. *The consumption of water within the proposed building shall be minimised by the use of triple A-rated water efficient plumbing features (taps and shower roses) and water-efficient dual flush toilets. Details of compliance are to be provided in the construction certificate.*
22. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be*

*submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***

*The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

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

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

Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.

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

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

27. *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 \$67,019.53 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 \$29,632.82. 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.

28. Vehicular access to the residential and commercial 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.

NOISE EMISSION CONDITIONS:

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:

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

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

30. A report prepared by a suitably qualified and experience consultant in acoustics shall be submitted and accepted by Council **prior to a construction certificate** being issued by the Principal Certifying Authority for the development, nominating the Noise Criteria as identified by the consultant in accordance with the Environment Protection Authority (EPA) Guidelines, namely the EPA Industrial Noise Policy and the EPA Environmental Noise Control Manual.

The report is to certify that noise and vibration emissions from all plant and equipment (including but not limited to, the cooling towers, mechanical ventilation systems, plant room) at the development will comply with the provisions of the Protection of the Environment Operations Act 1997 and relevant conditions of approval.

31. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Councils Manager of Environmental Health and Building Services and the Principal Certifying Authority **prior to an occupation certificate** being issued for the development, certifying that:

- *the design and installation of glazing have been met in accordance with the requirements of AS 2107-1989, Details regarding the glazing are to be included,*
- *noise and vibration emissions from the development comply with the report prepared by Acoustic Logic Consultancy dated 6/12/01 titled 2001640/0612A/BW "Assessment of Environmental Noise Impact on Amenity",*
- *provisions of the Protection of the Environment Operations Act 1997 have*

- *been satisfied, and conditions of Council's approval namely the noise criteria has been met and any recommendations following the report requested in condition number 2 of this consent have been completed.*

WASTE MANAGEMENT:

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

32. *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 is to detail the type and quantity of waste to be generated by the development (including demolition and construction waste and any material that is to be re-used or recycled). Additionally, the plan should detail what facilities are to be provided along with the procedures to be implemented for the storage, collection re-use, disposal and the on-going management of waste.

POLLUTION CONTROL:

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:

33. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
34. *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.*
35. *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**.*

CONSTRUCTION MANAGEMENT:

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:

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

Documentary evidence of compliance with Council's approval and details of relevant

building inspections conducted 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 required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- *Sediment control measures.*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*
37. *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.*
38. *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.*
39. *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.*
40. *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*
41. *A Site Construction Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**, and the following 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. The management plan must include the following measures, as applicable:*
- *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;*
 - *Soil and water management plan; comprising a site plan; indicating the slope of land, access controls, location and type of sediment control/s, material stockpile storage/control methods;*
 - *Construction noise and vibration management.*
42. *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.*
43. *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.*

LOCAL GOVERNMENT LEGISLATION & POLICIES OF COUNCIL'S:

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

44. *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.***

*Clothes drying facilities must be provided for each dwelling on the site. A communal external clothes drying area is to be positioned on the rooftop (level 6) and must be sufficiently screened from adjoining dwellings as well as Anzac Parade and Carlton Street. Details required by this condition are to be submitted **with the Construction Certificate application.***

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

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

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

- *has been informed in writing of the licensee's name and contractor number;*
- and*

- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

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

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

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

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

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

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

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

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

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

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

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

50. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
51. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
52. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
53. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
54. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

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

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

- *Sediment control measures.*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*
55. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
 56. *Retaining walls or shoring must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.*

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

57. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
58. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*
 - a) *car parking and vehicular access*
 - b) *landscaping*
 - c) *stormwater drainage*
 - d) *external finishes and materials*
59. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
60. *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.*
61. *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.*
62. *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.*
63. *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.*
64. *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.

65. *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.

66. *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.

67. *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.*
68. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*
- *any works or hoisting of materials over a public footway or adjoining premises, or*
 - *any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

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

69. *'B' Class' overhead type hoardings and public access are required to be designed in accordance with the following requirements (as applicable).*
- *The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.*
 - *Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.*
 - *Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus or 1.5m from part for non conductive materials, such as timber.*
 - *Adequate artificial lighting is to be provided to the hoarding.*
 - *A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.*
 - *A minimum overhead clearance of 2.2m is to be provided below the hoarding.*
 - *The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.*
 - *Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.*
 - *The hoarding is to be painted white or other light colour acceptable to Council.*

- *Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.*
 - *The hoarding is to be erected and maintained fully in accordance with the requirements of Work Cover New South Wales.*
 - *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
 - *A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation (and a copy of the certificate is to be forwarded to the Council if it is not the certifying authority) certifying the structural adequacy of the hoarding and compliance with Councils conditions of consent and relevant requirements of WorkCover New South Wales.*
70. *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.*
71. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

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

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

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

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

Security Deposit Conditions

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

74. *The following security deposits requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*

- | | | | |
|----|-----------|---|----------------------------|
| a) | \$2000.00 | - | Security damage deposit |
| b) | \$2000.00 | - | Vehicular crossing deposit |

The damage deposit may be provided by way of a cash or cheque with the Council

and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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.

Traffic conditions/Civil Works Conditions

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

75. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - a) *Construct a new concrete heavy-duty vehicular crossing and layback opposite the vehicular entrance to the site.*
 - b) *Remove the redundant concrete vehicular crossings and laybacks in Anzac Parade & Carlton Street and to reinstate the area with footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Re-construct a concrete kerb and gutter for the Carlton Street frontage except opposite the vehicular entrance and exit points.*
 - d) *Carry out a full depth, 1.50 metre wide, road construction in front of the kerb and gutter along the full site frontage.**
76. *The applicant shall submit a landscape design for the street frontage of the development which may include the installation of pavements, trees, grates, guards, bins and seats. The plan shall be prepared in accordance with Council guidelines and the plan shall form part of the approved landscape documentation for the site. The applicant is to liaise with Council's Landscape Architect regarding Council's guidelines*

All approved works shall be constructed by the applicant or a Council approved subcontractor at the applicants cost prior to the issue of the Occupation Certificate. (Please note: A fee for checking the design and supervision of the works shall be paid to Council).
77. *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.*
78. *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.

79. *A work zone is to be provided to the Carlton Street frontage, 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.*
80. *The driveway opening at the Carlton Street frontage of the site must be located at least 1.00 metre clear of the side property boundary. Details showing compliance with this requirement are to be shown on the plans for **the Construction certificate**.*
81. *Seventeen (17) bicycle parking spaces should be provided with the development in a secure location.*
82. *There are no designated disabled parking spaces shown on the plan. Two (2) disabled parking spaces are required to be marked and signposted with minimum dimensions of 3.2m * 5.5 metres. These spaces should be provided at the following locations:*
 - (a) *on the ground level as indicated as P1 on Plan A.04.*
 - (b) *on basement level 2 as indicated as P7 on Plan A.02.*
83. *Pavement arrows shall be linemarked along the internal road network indicating the two way movement.*
84. *The 13 commercial spaces shall be linemarked and signposted accordingly with 7 spaces allocated on the ground level and a further 6 spaces on basement Level 1 as indicated on Plan A.03 as P1-P6.*
85. *The nine (9) visitor car spaces shall be clearly marked and located on Basement Level 1 in parking spaces as indicated on Plan A.03 as P7- P15.*
86. *The straight ramps must incorporate suitable grade change transitions in accordance with Council's DCP-Parking.*
87. *The kerb blister located west of the vehicular crossing in Carlton Street is to be removed.*
88. *All costs associated with the installation, removal or relocation of any signposting is to be met by the applicant.*
89. *No stopping signposting is to be installed long the full length of the kerb blister in Carlton Road.*
90. *The applicant is to provide a stop sign (R1-1A) and car park type speed hump for egress vehicles just prior to frontage boundary.*

Splayed Wall Conditions

The following conditions are applied to provide adequate provisions for access, transport and pedestrian safety.

91. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details, showing compliance with this requirement, are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
92. *The applicant must, at no cost to Council dedicate a 3m x 3m splay corner for road widening purposes on the north-west corner of the site (i.e. the Carlton Street/Anzac Parade intersection).*

Alignment Level Conditions

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

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

Anzac Parade Frontage: 100mm above the top of the kerb level at all points opposite the kerb along the Anzac Parade frontage.

Carlton St Frontage: 100mm above the top of the kerb level at all points opposite the kerb along the Carlton St frontage.

94. *The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
95. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,314.00 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.*

Service Authority Conditions

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

96. *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.*
97. *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.*

98. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*

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

Drainage Conditions

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

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

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
- b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
- d) *The separate catchment areas within the site, draining to each collection point or surface pit is to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of*

the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 100. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

- 101. All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
- 102. 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.*
- 103. A "restriction as to user and positive covenant" shall be placed on the title of the subject prior to the issuing of an occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

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

104. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
105. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
106. *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).

107. *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.*
108. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by the certifying authority, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*
 - a) *location*
 - b) *pipe diameter*
 - c) *gradient*
 - d) *pipe material ie PVC or EW etc*
 - e) *orifice size (if applicable)*

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

The base of the pit located a minimum 300mm under the invert level of the outlet pipe.

The pit must be constructed from cast in-situ concrete, precast concrete or double brick.

The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.

A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located

over the weep holes.

A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).

The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.

A sign adjacent to this pit stating that:

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

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

110. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
111. *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.*
112. *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 and/or Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council’s kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
113. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*
 114. *Prior to the commencement of building/demolition works the applicant is to liaise with the DLWC (Dept Land & Water Conservation) regarding the obtaining of a dewatering license for the site, if required.*
 115. *Three covered car washing bays shall be provided for this development.*
 - a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority,*

prior to a construction certificate being issued for the proposed development.

- b) The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
- c) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
- d) A water tap shall be located adjacent to the car washing bays.*

116. The proposed ground floor retail areas are to be constructed at the following minimum floor levels:-

- e) Retail Area 1 - RL28.44 AHD*
- f) Retail Area 2 - RL28.32 AHD*
- g) Commercial/Retail Area – RL 28.30*

This condition is required to ensure that the proposed retail floor levels are a minimum of 300 mm above the calculated 1 in 100 year storm flood level.

Waste Management Conditions

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

- 117. The garbage room areas will have to be redesigned so as to be able to contain a total of 36 x 240 litre bins (18 garbage bins & 18 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
- 118. An additional garbage area will have to be constructed for the proposed 2 retail areas. The applicant is to liaise with Council's Manager of Waste regarding the required size of this garbage area. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
- 119. 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.*
- 120. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

Landscape Conditions

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

121. *The Large Eucalyptus species (Gum Tree), located within the yard of the adjoining property to the south, shall be removed prior to the applicant carrying out any site construction works likely to affect the stability of the tree. The applicant shall meet the full cost for removal of the tree and shall pay to Council an amenity value in the amount of \$31,925.00, such value has been calculated using the relevant draft Australian Standard and is required as compensation for the loss of the tree. The amenity value shall be paid to Council prior to the issuing of a construction certificate for the development.*
122. *Prior to the issuing of a construction certificate the applicant shall submit for approval, and have approved by the Certifying Authority, detailed landscape plans, drawings and specifications for the development. The landscape plans, drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:*
- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), councils footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

- g. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- h. *Location of easements within the site and upon adjacent sites (if any).*

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

123. *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.

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

125. *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.

126. *A refundable deposit in the form of cash or cheque, or bank guarantee, for the amount of \$10,000 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

a. *the refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of Council.*

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

ADVISORY MATTERS:

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

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

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Clause D1.4 - Exit travel distances*
- d) Clause D1.5 - Distance between alternative exits*
- e) Part D3 - Access for people with disabilities*
- d) Part E2 - Smoke Hazard Management*
- e) Part E3 - Lift Installations*
- f) Part E4 - Emergency lighting, exit signs and warning systems*
- g) Part F4 - Light and ventilation*
- h) Part F5 - Sound Transmission and Insulation*

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

MOTION: (Daley/Andrews) SEE RESOLUTION.

**6.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
118/2002 – 347 CLOVELLY ROAD, CLOVELLY. (D/0587/2002)**

369 **RESOLUTION: (Tracey/Greenwood)** *that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 15 on property 347 Clovelly Road, Clovelly for the following reason:*

- 1. The proposed extended hours of operation will adversely impact on the amenity of the neighbourhood in terms of noise.*

MOTION: (Tracey/Greenwood) SEE RESOLUTION.

**6.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
119/2002 - MATRAVILLE TOWN CENTRE - PLANNING/DESIGN REVIEW.
(98/S/0914)**

370 **RESOLUTION: (Daley/White)** *that Council:*

- (a) Agree to commence the Matraville Town Centre Commercial Feasibility and Urban Design studies in early to mid 2003;*
- (b) Agree to allocate further budget funding of \$40,000 for this project for 2003/2004;
and*
- (c) Endorse the draft study briefs.*

MOTION: (Daley/White) SEE RESOLUTION.

**6.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
120/2002 - 88 PEROUSE ROAD, RANDWICK. (D/0968/02)**

371 **RESOLUTION: (Backes/Bastic)** 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.968/02 for permission to install a hardstand carspace at 88 Perouse Road Randwick subject to the following conditions: -

1 *The development must be implemented substantially in accordance with the plans numbered 02/826/01-02 dated May 2002 and received by Council on 14/10/02, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2 *The carspace be constructed utilising permeable paving to assist with surface water absorption and soften the appearance of the carspace.*

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.*

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:

4 *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.*

5 *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.*

6 *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.*

7 *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.

8 *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.*

9 *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

10 *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.*

11 *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.*

12 *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 provide adequate security against damage to Council's infrastructure:

13 *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:

- 14 *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.*
- 15 *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.*
- 16 *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:

- 17 *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*

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

- 18 *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 19 *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.*

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

- 20 *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.*

- 21 *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.*

Landscape Conditions

- 22 *In order to visually 'soften' the expanses of hard pavement, brick unit pavers (or similar) shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

Tree Management

- 23 *The applicant on receiving the approval, submit to Council quotes from a qualified arborist which will detail how the existing street tree will be removed and how up to 4 x 100 litres street trees will be planted and Council will stipulate the type of trees to be replaced which will be of the type currently being planted in that area.*
- 24 *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.*
- 25 *Permission is granted for the selective pruning of overhanging branches from the Sapium species (Tallow Tree) located towards the front of the site. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

Tree Protection Measures

- 26 *In order to ensure the retention of the Sapium species (Tallow Tree) located towards the front 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. *Any excavations required for footings, structures, retaining walls, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 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.*

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/Bastic) SEE RESOLUTION.

(Cr Greenwood, Matson and Notley-Smith requested that their names be recorded as opposed to the resolution.)

**6.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
121/2002 - 390-396 ANZAC PARADE, KINGSFORD. (D/0634/2002)**

372 **RESOLUTION: (Procopiadis/Andrews) that:**

- A. *the Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio and building height) 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 Planning NSW 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/1206/2001 for Demolition of existing buildings and construction of a part 8, part 7 and part 5 storey mixed retail/commercial and residential building with associated basement and above-ground level carparking at 390-396 Anzac Parade, Kingsford 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. *Advice from the Federal Airports Corporation, and/or any other relevant body, that no objection is raised, and approval is given, to the building height of the proposed development.*
2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) are to be prepared.

3. *The applicant is to engage an EPA Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended use and the potential for groundwater contamination and migration. A satisfactory site audit report and site audit statement is to be submitted to and accepted by Council, which confirms that the site is or will be suitable for its intended use after implementation of a remedial action plan.*

The owner of the site must comply with all additional conditions, which may be

imposed or recommended by the EPA accredited auditor, as may be listed in the site audit statement, as a result of the assessment of contamination, and written confirmation is to be obtained from the owner of the site accordingly.

4. *The proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan (as detailed in Randwick City Council "Part 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 Waste Compliance Officer (Warrick Hay on 9399 0520) to obtain a copy of the Randwick City Council "Part A" Waste Management Plan.

5. *The applicant is to submit to Council and have approved by Council's Traffic Engineer circulation ramp details, including inner curve gradients. Council's Traffic Engineer recommends that the applicant demonstrate compliance with AS-2890.1-1993 for 2 way traffic flow (a width of 7.8 metres is required).*

Council's Traffic Engineer would accept the proposed single access circular ramp width provided the applicant show compliance with AS-2890.1-1993 for 1 way traffic flow (a width of 3.60 metres is required) details shall include inner curve gradients as well as full details of a internal traffic signal system.

The applicant is advised to liaise with Council's Traffic Engineer (Jason Scoufis 9399 0914) in regards to 1 way traffic flow with an internal traffic signal system prior to lodging the required information.

6. *The applicant is to submit to Council and have approved by Council's Traffic Engineer details showing how vehicles when exiting the ground level driveway and level 1 driveway at the same time are able to see each other prior to exiting onto Council's footpath/roadway as well as observe pedestrians up to 2 metres from the crossings.*
7. *The applicant is to submit to Council and have approved by Council's Drainage Engineer a stormwater study. The study must have a plan with stormwater drainage calculations (compiled by a suitably experienced and qualified Civil Engineer) that determines the 1 in 100 year flood event for this area using the:-*

a. "DRAINS" or "ILSAX" Urban Drainage Simulation Models

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

The following information must be submitted to the 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) *The stormwater drainage details shall include a hydraulic grade line analysis of the pipeline that drains the low point adjacent to the development site in Anzac Parade. The analysis shall extend from the low point adjacent to the development site to the trunk stormwater culvert at Doncaster Avenue and Barker Street.*
8. *The applicant shall submit to Council for approval, and have approved, details and specifications to flood proof the building (eg floodgate and a water proof barrier or other method that is acceptable to the Director of Asset and Infrastructure Services) up to a minimum 300 mm above the adjacent 1 in 100 year flood level in Anzac Parade.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 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 DA 01 to DA 10 stamped received on 6 December 2001, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning and Environment pursuant to the deferred commencement condition.*
3. *A new development application shall be submitted for the strata sub-division of the proposed development*
4. *Each pair of tandem carparking spaces shall be allocated only to the 3-bedroom dwellings.*

5. *The consumption of water within the proposed building shall be minimised by the use of triple A-rated water efficient plumbing features (taps and shower roses) and water-efficient dual flush toilets. Details of compliance are to be provided in the construction certificate.*
6. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the issuing of the construction certificate.***
7. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

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

8. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
9. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
10. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
11. *The enclosure of balconies is prohibited by this consent.*
12. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
13. *Vehicular access to the residential and commercial 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.*
14. *The proposed commercial suites shall only be used for commercial purposes.*

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

15. *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 \$83,326.08 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.*
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 of community facilities in lieu of on site provision for an amount of \$36,843.52 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 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 have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

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

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

19. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
20. *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.*
21. *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:*
22. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
23. *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.

24. *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**.*

25. *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**.*

26. *Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course or the stormwater or sewerage drainage systems.*

*Full details of the proposed pollution control devices to be installed are to be submitted to and approved by Council's Director of Planning and Environment in accordance with Section 80 A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued** for the development.*

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

28. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

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

30. *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.*

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

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

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

32. *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.*
33. *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*
 - b. *the following premises**

*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.***

34. *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.***
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 building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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:

36. *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.***
37. *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.*
38. *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.

39. *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.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority) 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 consent:

- *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, sand, soil, debris, waste containers or other obstructions.*
40. *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.*
41. *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.*
42. *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.*
43. *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.

44. *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*
45. *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.*
46. *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.*
 - c. *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.*
47. *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.*
48. *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.*

*A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to the commencement of any excavation or building works**, certifying that noise and vibration emissions from the construction of the development will comply with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of this approval.*

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

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

50. *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.*

51. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

52. *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.*

53. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

Any damage caused to the road or footway must be repaired immediately, to the satisfaction of 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 and debris 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 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*

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

Details of the proposed fences or hoardings located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary

fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

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

63. *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.*
64. *'B' Class' overhead type hoardings and public access are required to be designed in accordance with the following requirements (as applicable).*
- *The hoarding is to be designed so that the wind loads comply with AS1170.2. Superimposed loads from site sheds and materials not to exceed 40% of the design live loads. The structure should have a factor of safety of 1.5 against overturning and 2 against sliding.*
 - *Footings to the hoarding are to be located and designed so as not to have an adverse affect upon underground services or the like. The hoarding is to be able to withstand a vehicle impact and removal of any one column anywhere in the structure and a minimum length of 2m of wall supporting the deck on any one side supporting the structure is required.*
 - *Metal parts of the hoarding or associated structures to be not less than 4m from any power line, transmission line or transmission apparatus or 1.5m from part for non conductive materials, such as timber.*
 - *Adequate artificial lighting is to be provided to the hoarding.*
 - *A suitable system of buffer railing or barriers, particularly at locations such as an intersection or sharp bend.*
 - *A minimum overhead clearance of 2.2m is to be provided below the hoarding.*
 - *The street side of the hoarding is to be open for at least 2/3 of its full height for the length of the structure to prevent a tunnel effect.*
 - *Waterproofing of the deck above the footway is required to be provided and adequate provisions are to be made for the disposal of stormwater.*
 - *The hoarding is to be painted white or other light colour acceptable to Council.*
 - *Site sheds or accommodation located on top of a hoarding within a designated crane area or where materials are being lifted over are required to sustain a 10Kpa load and a protective fence and handrails are to be provided.*
 - *The hoarding is to be erected and maintained fully in accordance with the requirements of Work Cover New South Wales.*

- *Unobstructed access must be maintained at all times for pedestrians and people with disabilities. If necessary, a stable and level, non-slip timber/metal walking platform or firm road base material is to be provided adjacent to the hoarding/fence across the front of the site.*
- *A certificate of structural adequacy prepared by a professional engineer is to be submitted to the certifying authority upon installation (and a copy of the certificate is to be forwarded to the Council if it is not the certifying authority) certifying the structural adequacy of the hoarding and compliance with Council's conditions of consent and relevant requirements of WorkCover New South Wales.*

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

65. *Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of the Building Code of Australia.*
66. *Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be submitted to and approved by Council's Director of Planning and Environment in accordance with Section 80 A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the development.*
67. *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.*
68. *The following conditions are applied to ensure compliance with the Food Act 1989 and Council's Food Premises Code:*
69. *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.*
70. *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 60C 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 5C and keep this food cold at or below that temperature.*

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

71. *Hairdressers, Beauty salons must comply with the Local Government (Orders) Regulations 1999 and the Public Health Act & Regulations 1991, and the premises is to be registered with Council on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupancy.***
- a. *Legionella control – cooling towers, evaporative cooling systems, 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 maintain reasonable levels of environmental amenity.

72. *The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan - Exempt and Complying Development.*
73. *The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.*
74. *The use of the premises is not to commence until all terms and conditions of this development consent have been satisfied.*

The following conditions are applied to ensure adequate environmental protection.

75. *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).*

76. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
77. *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- a) Part C3 - Protection of openings*
- b) Part D1 - Provisions for escape*
- c) Clause D1.2 - Number of exits required*
- d) Clause D1.3 - When fire-isolated exits are required*
- e) Part E1 - Fire fighting equipment*
- f) Part E2 - Smoke Hazard Management*
- g) Part E3 - Lift Installations*
- h) Part E4 - Emergency lighting, exit signs and warning systems*
- i) Part F5 - Sound Transmission and Insulation*

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

78. *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 and 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) \$10000.00 - Security damage deposit*
 - b) \$10000.00 - Vehicular crossing deposit*

The damage deposit and crossing 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, and 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:

79. *The applicant shall, at no cost to Council, dedicate a 1.2 metre wide strip of land for road widening purposes along the Middle Lane frontage of the site. This condition is required to maintain or improve existing traffic conditions in Middle Lane, to facilitate turning manoeuvres in and out of the site and to provide a provide a trafficable footpath along the Middle Lane frontage.*
80. *The applicant shall, at no cost to Council, dedicate a 0.6 metre wide strip of land for road widening purposes along the Harbourne Lane frontage of the site. This condition is required so as to provide a trafficable footpath along the Harbourne Lane frontage.*

81. *The applicant shall, at no cost to Council, dedicate a 2 metre x 2 metre splay corner for road widening purposes on the north/west corner of the development site, (intersection of Harbourne Lane & Anzac Parade). Note: the splayed corners are to be taken from the new property boundaries after road dedication in Harbourne Lane has been made.*
82. *The applicant shall, at no cost to Council, dedicate a 1.5 metre x 1.5 metre splay corner for road widening purposes on the north/east corner of the development site, (intersection of Harbourne Lane & Middle Lane). Note: the splayed corners are to be taken from the new property boundaries after road dedication in Harbourne & Middle Lanes have been made.*

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

83. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct commercial strength concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.*
 - b) *Remove the redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Construct new kerb and gutter for the full site frontage in Harbourne Lane & Middle Lane as required by Council's Asset Infrastructure Services Department.*
 - d) *Carry out a full depth, 3.50 metre wide, road construction in front of the kerb and gutter along the full site frontage in both Harbourne Lane & Middle St as required by Council's Asset Infrastructure Services Department.*
 - e) *Re/construct drainage pits in Harbourne Lane as required by Council's Drainage Engineer.*
 - f) *Construct footpaths along the full site frontages to Council Urban Design Guideline specifications.*
 - g) *Supply & install "No Standing" signs along both the Harbourne Lane & Middle Lane frontages.*
84. *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.*
85. *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.

86. *The distance between the driveway openings, at the Middle Lane property boundary, for the ground level driveway and the level 1 driveway is to be a minimum 1.10 metres. This is to allow a pedestrian refuge area on Council's footpath should vehicles be exiting/entering the carpark levels. Details showing compliance with this condition are to be shown on the plans submitted for the construction certificate.*
87. *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 18 metres must be paid to Council at least four (4) weeks prior to the commencement of building works.*
88. *A total of 33 spaces shall be signposted and linemarked Visitor/Commercial Parking including all spaces on the Ground Floor and Level 1 Car Park and a further 9 spaces indicated on Basement Level 1 as spaces 19 to 27. Spaces 6 and 7 on the Ground Floor must be further signposted as employee parking. Details showing compliance with this condition are to be shown on the plans submitted for the construction certificate.*

The following conditions are applied to provide adequate provisions for Proposed Awning Conditions

89. *The proposed awning overhanging Council's footpath in Anzac Parade is to comply with the following;*

*Be a minimum 0.60m setback from the kerb line in Anzac Parade & Harbourne Lane
To be compatible with any approved street tree planting in Anzac Parade.
The underside of the awning is to be a minimum 3.00m clear of Council's issued alignment level for the Anzac Parade frontage (i.e – 125mm above the top of the Council kerb level)*

Compliance with the above requirements are to be shown on the plans submitted for the construction certificate.

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

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

Anzac Parade Frontage - 125mm above the top of the kerb at all points opposite the kerb, along the Anzac Parade site frontage.

Harbourne Lane frontage - 25mm above the top of the kerb at all points opposite the kerb, along the Harbourne Lane site frontage

Middle Lane Frontage - 25mm above the top of the kerb at all points opposite the kerb, along the Middle Lane 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.

91. *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.*
92. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,700 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

93. *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.*
94. *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.*
95. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
96. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

Drainage Conditions

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

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

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
98. *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.

99. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
100. *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.*
101. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

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

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

102. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
103. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
104. *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).

105. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
106. *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.

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

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

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

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

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

The base of the pit located a minimum 300mm under the invert level of the outlet pipe.

The pit must be constructed from cast in-situ concrete, precast concrete or double brick.

The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.

A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).

The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.

A sign adjacent to this pit stating that:

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

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

109. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
110. 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.
111. **Three** covered car-washing bays shall be provided for this development.
- a) The car washing bay/s 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.

112. 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.
113. 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.

Notes:-

- a) Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.
 - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
114. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.

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

115. 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.

116. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development site.*

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

117. *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), proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
 - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *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.*
118. *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.

119. *The applicant shall submit a landscape design for the Anzac Parade and Harbourne Lane street frontages of the development in accordance with Council's Urban Design Guidelines for Kingsford Commercial Center. The landscape design shall include*

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

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

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 \$4,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade and Harbourne Lane site frontages.

- 120. 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.*
- 121. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 122. 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

- 123. The applicant shall submit a total payment of \$1068.00 to Council,*
 - a. Being the cost for Council to supply and install 3 x 100 litre street trees at the*

completion of all works.

*The contribution shall be paid into Account Number 43459939 Activity Code R36 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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

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

a) *Four (4) *Acmena smithii* (Lilly Pilly), located within the site, next to the existing dwelling on Harbourne Lane.*

125. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$5,000 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.*

126. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

Advisory Matters/Conditions

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

MOTION: (Procopiadis/Andrews) SEE RESOLUTION.

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

7. RESCISSION MOTION.

7.1 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)

MOTION:(Matson/Greenwood) that the resolution passed at the Ordinary Council Meeting held on Tuesday, 10th December, 2002, reading as follows:-

- 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 L₁₀ sound pressure level which is 5dB(A) greater than

the A-weighted L₉₀ 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.

be and is hereby rescinded. **LOST.**

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

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

8. CONFIDENTIAL REPORTS.

8.1 CONFIDENTIAL MAYOR'S MINUTE 87/2002 – APPOINTMENT OF GENERAL MANAGER. (98/S/0823)

9. 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/Andrews) that the Extraordinary Meeting of the Council be adjourned at 8.25 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Mayor declared the Extraordinary Meeting of the Council resumed at 9.14 p.m.

10. REPORT OF COMMITTEE-OF-THE-WHOLE.

10.1 REPORT OF THE MAYOR TO THE EXTRAORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 17TH DECEMBER, 2002.

The Mayor reported that the following matter had been considered and the following recommendation to the Council had been formulated by the Committee-of-the-Whole.

10.2 EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2)(a) 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 personnel matters concerning particular individuals on 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.

10.3 RECOMMENDATION.

That:

- (a) the contents of the Mayor's Minute no. 87/2002 be received and noted;
- (b) in accordance with Section 334 of the Local Government Act, Randwick City Council appoint the person nominated in the recommendation contained in the Mayor's Minute No. 87/2002 as General Manager, subject to execution of a mutually acceptable employment contract and a satisfactory medical report;
- (c) the person nominated in the recommendation contained in the Mayor's Minute No. 87/2002 be appointed as General Manager on a five (5) year performance based contract, as from a negotiated date of commencement;
- (d) the Mayor, on advice from John Cox of Eakin McCaffery Cox Solicitors, be authorised to negotiate the terms and conditions and total remuneration package of the employment contract; and

- (e) the Mayor be given delegated authority to execute the employment contract under Seal of Council once negotiations have been finalised.

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

373 **RESOLUTION:** *(Daley/Backes) that the recommendation made by the Committee-of-the-Whole at its meeting held on Tuesday, 17th December, 2002 be adopted.*

A division was called for by Crs Daley and Bastic. 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	

11. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 9.15 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, 2002.

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CHAIRPERSON