

**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL  
OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 25<sup>TH</sup> FEBRUARY, 2003 AT 6.24 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 (until 8.55 p.m.) 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.
Manager Development Assessment	Mr. K. Kyriacou.
Manager Policy, Planning & Performance	Ms. K. Walshaw.
Acting Manager Environmental Planning	Ms. K. Armstrong.

**1. COUNCIL PRAYER**

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

**2. APOLOGIES.**

Nil.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 10<sup>TH</sup> DECEMBER, 2002.**

- 4 **RESOLUTION:** (*Procopiadis/Schick*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 10<sup>th</sup> December, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 17<sup>TH</sup> DECEMBER, 2002.**

- 5 **RESOLUTION:** *(Daley/Bastic) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 17<sup>th</sup> December, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 11<sup>TH</sup> FEBRUARY, 2003.**

- 6 **RESOLUTION:** *(Procopiadis/White) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 11<sup>th</sup> February, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to on page 2, Item 3.1, Part (b) of the amendment by Councillors Notley-Smith, and Greenwood, the words "ELGNG or Macarthur" be deleted and be replaced with "LGOV or MCARTHUR".*

**RESOLVED: (PROCEDURAL MOTION) (Daley/White)** that Council deal with Item 4 (Addresses to the Council by the Public) and then adjourn, then deal with items 9.1 to 9.8 inclusive (Director of Planning & Community Development's Reports) and then subsequently deal with the balance of the agenda.

**RESOLVED: (Daley/White)** that the meeting be adjourned at 6.27 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

**4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.**

1. Mr Mark Driscoll, 8/1 Macquarie Place, Sydney on Item 9.1, Director Planning & Community Development's Report 06/2003 - 695 Anzac Parade, Maroubra.
2. Mr Richard Hoenig, 12 Patterson St, North Bondi on Item 9.1, Director Planning & Community Development's Report 06/2003 - 695 Anzac Parade, Maroubra.
3. Mr Greg Talbot, 2/7 Fenton Avenue, Maroubra on Item 9.2, Director Planning & Community Development's Report 07/2003 - 11-13 Fenton Avenue, Maroubra.
4. Mr Will Dwyer, 1 Alfred Street, Circular Quay on Item 9.2, Director Planning & Community Development's Report 07/2003 - 11-13 Fenton Avenue, Maroubra.
5. Mr Simon Bartlett, 11/4 Edgecumbe Avenue, Coogee on Item 9.3, Director Planning & Community Development's Report 08/2003 - 35 Dudley Street, Coogee.
6. Mr Alec Novakovic, 2A Roundtree Street, Balmain on Item 9.3, Director Planning & Community Development's Report 08/2003 - 35 Dudley Street, Coogee.
7. Mr Robert. E. Lees, 199 Maroubra Road, Maroubra on Item 9.5, Director Planning & Community Development's Report 10/2003 - Application for Variation of Sunday Trading for 195 -199 Maroubra Road, Maroubra. (Maroubra Junction Hotel)
8. Ms Felicia Harris, 35 Moverley Road, Maroubra on Item 9.7, Director Planning & Community Development's Report 12/2003 - 6 Argyle Crescent, Kingsford (Defence Site, Randwick)
9. Ms Joanne Muller, 8 Heath Street, Randwick on Item 11.1, N.O.M By Councillor Matson – Need for Public Meeting over Claremont College Expansion.
10. Mr Peter O'Loughlin, 1 Anthony Street, Matraville on Item 11.13, N.O.M By Councillor Matthews – Proposed Speed Humps for Jersey Road, Matraville.
11. Mr Stephen Reardon, 25 Bilga Crescent, Malabar on Item 11.14, N.O.M By Councillor Matthews – Removal of Trees at Long Bay Jail.

12. Mr Anthony Askitis, 26 Forrest Street, Chifley on Item 11.15, N.O.M By Councillor Matthews – Proposed Roundabout for Forrest, Macquarie & Dampier Streets, Chifley.
13. Mr Bruce Vesperman, 17/30 Cowper Street, Randwick on Item 11.16, N.O.M By Councillor Whitehead – Heritage Protection.
14. Mr Barbara Dougan, 10 Heath Street, Randwick on Item 11.18, N.O.M By Councillor Whitehead – Public Meeting to discuss 23 Judge Street, Randwick.
15. Mr Bruce Vesperman, 17/30 Cowper Street, Randwick on Item 11.19, N.O.M By Councillor Matson – Access to site – 2-4 Frances Street, Randwick..
16. Dr Raya Gadir, 27/52 Glenavenue, Randwick on Item 11.20, N.O.M By Councillor Matson – Public Explanation Required for Excess Tree Removals in Bligh Place at the end of Fred Hollows Reserve.

**RESOLVED: (His Worship the Mayor, Cr D. Sullivan)** that the meeting be adjourned at 7.43 p.m. and it was resumed at 8.30 p.m.

**RESOLVED: (PROCEDURAL MOTION) (Daley/White)** that items 11.1 and 11.18 be brought forward and dealt with jointly at this stage of the meeting.

## **5. MAYORAL MINUTES.**

### **5.1 MAYOR'S MINUTE 3/2003 - RTA OFFER OF FUNDING FOR 2003-2004 REGIONAL ROAD REPAIR PROGRAMME. (98/S/1488)**

- 7 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council accept the Roads & Traffic Authority's offer of \$250,000 under the 2003-2004 Regional Road REPAIR Program, and provision of a matching \$250,000 allocation be made Council's 2003-2004 budget.

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

### **5.2 MAYOR'S MINUTE 4/2003 - KOKODA PARK - ANNUAL ANZAC DAY CEREMONY. (98/S/1018)**

- 8 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council vote \$2,800.00 to cover the cost of the installing and dismantling the dais and for the erection of two flagpoles for the annual Anzac Day Ceremony to be held on Sunday 13 April 2003 and this be funded from the Councillors' Requests allocation.

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

### **5.3 MAYOR'S MINUTE 5/2003 - DUNNINGHAM RESERVE - COASTAL WALKWAY. (98/S/2613)**

- 9 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council Officers proceed to construct the Dunningham Reserve section of the Coastal walkway from Beach St to Major St and that the additional \$72,000 required to complete this project be allocated from the Councillors' Requests allocation in the current budget.

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

### **5.4 MAYOR'S MINUTE 6/2003 - USE OF GOLDSTEIN RESERVE BY LIONS CLUB - REQUEST FOR WAIVING OF FEES. (98/S/1318 xr 98/S/1148)**

10 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that Council vote \$64.70 to cover the cost of the event for this worthwhile charity day to be held on Goldstein Reserve, Coogee Beach on Saturday 14 April, 2003 and this be funded from the Councillors' Requests allocation.

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

**5.5 MAYOR'S MINUTE 7/2003 - YOUTH WEEK. (98/S/1229)**

11 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that the contents of Mayoral Minute 7/2003 be received and noted and that Council endorse the Youth Week Festival.

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

**6. GENERAL MANAGERS' REPORTS.**

**6.1 GENERAL MANAGER'S REPORT 01/2003 - 2002/03 BUDGET - REVIEW AS AT 31 DECEMBER 2002 (98/S/4403)**

12 **RESOLUTION:** (*Procopiadis/Daley*) that:

- (a) *the General Manager's Report 01/2003 in relation to the December 2002 budget review be received and noted; and*
- (b) *the budget variations referred in paragraph (b) in the General Manager's Report be adopted.*

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

**6.2 GENERAL MANAGER'S REPORT 02/2003 - DECEMBER 2002 QUARTER REVIEW - 2002/05 MANAGEMENT PLAN. (98/S/0555)**

13 **RESOLUTION:** (*Bastic/Daley*) that the information contained in the General Manager's Report 02/2003 on the December Quarter Review – 2002/05 Management Plan be received and noted.

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

**6.3 GENERAL MANAGER'S REPORT 03/2003 - BOWEN LIBRARY-TENANTS CLAIMS FOR COMPENSATION. (P/001537)**

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

- (a) *The contents of the General Manager's Report 03/2003 be noted;*
- (b) *A further report be submitted to Council detailing:*
  - i. *why did it take a considerable time for Council to proceed with rectification works at the site ?;*
  - ii. *why did it take from February to August 2001 to get a structural engineer to obtain a report ?;*
  - iii. *when was the structural engineer appointed by Council;*
  - iv. *what measures will be taken to ensure similar problems will not occur with the HACC extension at the Bowen Library building ?; and*

- (c) *the General Manager take a very considerable interest in the building works at Bowen Library and monitor them closely.*

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

**6.4 GENERAL MANAGER'S REPORT 04/2003 - AFFIXING OF THE COUNCIL SEAL. (P/003810, P/011668, P/003994, P/014776, P/001008, P/001994, 98/S/2265, 98/S/0958)**

15 **RESOLUTION: (Backes/Matthews) that:**

- (a) *authority be granted for the Council's Common Seal to be affixed to the licence agreements between Council and*
- i. *Joseph Ajaka (T/As Tradewinds Café/Brasserie) for the purpose of Outdoor Dining at 200 Maroubra Road, Maroubra;*
  - ii. *Katherine Kirchner (T/As Centennial Bite) for the purpose of Outdoor Dining at 26 Clovelly Road, Randwick.;*
  - iii. *Vicki Daley (T/As Crust Deli Café) for the purpose of Outdoor Dining at 46 Frenchmans Road, Randwick;*
  - iv. *Somyot Phattha Aphinan (T/As Thai Happy Buddha Restaurant) for the purpose of Outdoor Dining at 170 Maroubra Road, Maroubra;*
  - v. *Anthony Burrows (T/As The Coogee Bite Café) for the purpose of Outdoor Dining at 126A Beach Street, Coogee;*
  - vi. *Mrs E Mastoris (T/As Coogee Yerros Café) for the purpose of Outdoor Dining at 204 Arden Street, Coogee;*
- (b) *authority be granted for the Council's Common Seal to be affixed to the licence agreement between Council and the Coogee Surf Life Saving Club Incorporated for Part of Reserve No. 82505 known as Grant Reserve, more particularly described as comprising the Boat Store; and*
- (c) *a report be prepared on how the cleaning of the footpaths, where outdoor dining exists, can be undertaken at least annually and how the cost can be recovered by inclusion in the Council's Pricing Policy and Statement of Fees and Charges.*

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

**RESOLVED: (PROCEDURAL MOTION) (Matthews/Schick)** that Items 11.14, 11.16 and 11.19 be dealt with at this stage of the meeting.

**7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.**

**7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 04/2003 - UNFORMED SECTION OF ELLEN STREET, RANDWICK. (R/0269/01)**

16 **RESOLUTION: (Notley-Smith/Backes)** that this item be deferred to allow for community consultation and exploration of possible options with the affected residents and the Director Assets and Infrastructure Services Report 4/2003 be provided to the residents to allow for their feedback to Council.

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

**7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 05/2003 - CONCRETE AND HARD FILL CRUSHING TENDER. (003/03 xr 98/S/0859)**

17 **RESOLUTION:** *(White/Tracey) that:*

- (a) *Council accept the tender submitted by Portaplant Pty Ltd for Concrete and Hardfill Crushing;*
- (b) *The unsuccessful tenderers be notified of the tender result; and*
- (c) *The Mayor and General Manager be authorised to sign the necessary contract and other documents pertaining to the scope of works and the Council Seal be affixed as required.*

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

**7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 06/2003 - HEFFRON PARK - PROPOSED HANDBALL COURTS. (98/S/1154)**

18 **RESOLUTION:** *(Daley/Andrews) that Council support the application by the NSW Handball Association to enter into a licensing agreement to provide handball courts at Heffron Park, subject to compliance with Council's requirements and any requirements of the Department of Land and Water Conservation.*

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

**7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 07/2003 - TENDER 01/03. DES RENFORD 25M POOL UPGRADE. (PROJ/0085/04/PART 1)**

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

- (a) *Council accepts the tender of ProjectCorp Pty Ltd for the (adjusted) tender price of \$180,840.00 (ex. GST);*
- (b) *Funds from the sources detailed in the Director Asset & Infrastructure Services' Report 7/2003 be allocated for the Project;*
- (c) *The unsuccessful tenderers be notified of the tender result;*
- (d) *The Mayor and General Manager be authorised to sign the necessary contract and other documents pertaining to the scope of works and the Council Seal be affixed as required; and*
- (e) *A report be prepared on the old 25m pool being adapted for use for the purpose of hydrotherapy or whether a separate hydrotherapy pool facility should be included at the Des Renford Complex.*

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

**8. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT.**

**8.1 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 03/2003 - ACKNOWLEDGEMENT OF INCOMING CORRESPONDENCE & ACTION. (98/S/1733 XR 98/S/0911)**

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

- (a) Council reaffirm its decision of 22<sup>nd</sup> October, 2002 in relation to acknowledgment of correspondence and action arising therefrom; and
- (b) a report be brought back to the next Council meeting on the specific measures which would need to be undertaken, or alternatives thereto, to implement Council's decision of 22<sup>nd</sup> October, 2002, including the costs associated with implementation of those measures.

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

**9. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.**

**9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 06/2003 - 695 ANZAC PARADE, MAROUBRA. (D/0358/2002)**

21 **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(3) of the Randwick Local Environmental Plan 1998 (relating to residential floor space ratio) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the NSW Department of Urban Affairs and Planning be advised accordingly.
- B Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 358/2002 for Demolition of the existing buildings on the site and the construction of a 7 storey mixed commercial/residential development containing 12 dwellings, 1 commercial/retail tenancy and car parking for 21 vehicles at No. No.695 Anzac Parade, Maroubra subject to the following conditions:-

Deferred Commencement Conditions

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

- 1. The applicant shall create a minimum 6.0 metre wide right of carriage way in favour of the property No.693-693A Anzac Parade over the rear of the site, as indicated in the plan Drawing No.DA01-Revision G prepared by Joshua Farkash and Associates Pty Ltd and dated 28 January 2003. The document creating the right of way shall be prepared by a suitably qualified solicitor and shall state that 'the owner of the right of way shall be entitled to install, keep and maintain the

*floodgate on the right of way'. The applicant shall meet all costs associated with creating the right of carriageway.*

- 2. The external finishes and colours of the development shall be in accordance with the colour/materials sample board prepared by Joshua Farkash and Associates Pty Ltd dated as received by Council on 10 October 2003. In this regard, the proposed glazed balustrading is to be of a `translucent type, such as frosted or sandblasted glazing.*

*Coloured elevations detailing the proposed colours, materials and textures to be used on the external facades of the development are to be submitted to and approved by Council's Director of Planning and Community Development.*

*Evidence required to satisfy the above conditions must be submitted to Council within 6 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 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 substantially in accordance with the plans numbered DA 01-Revision H, DA 02, 03 and 03a-Revision B and DA 05-Revision E, dated 31 January 2003 and received by Council on 31 January 2003, DA 04-Revision E dated 6 February 2003 and received by Council on 7 February 2003, and the landscape details shown in Landscape Concept Plans L00, L01, L02, L05 and L06-Issues B dated 15 October 2002, and L03 and L04-Issues C dated 31 January 2003 received by Council on 31 January 2003, 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 first floor, floor-to-ceiling height is to be increased to 3.0m and bicycle racking for 5 bicycles (i.e. 4 resident and 1 visitor bicycle space) is to be provided within the proposed 'store room and bicycle storage' room on the basement parking level. Details of compliance are to be provided in the construction certificate plans.*
- 3. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*



4. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
5. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
6. *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.*
7. *All existing outbuildings on the site must be demolished and removed in conjunction with the development.*
8. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Community Development, **prior to the commencement of works.***
9. *A separate Development Application for the use of the ground floor shop tenancy is required to be submitted to and approved by Council **prior to occupancy.***
10. *Where access is required to adjoining premises for construction purposes, the written consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
11. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
12. *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.*

13. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.*

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

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

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

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

- |    |   |             |
|----|---|-------------|
| a) | <i>for the provision or improvement of open space</i>                 | \$29,027.52 |
| b) | <i>for the provision or improvement of community facilities</i>       | \$12,834.88 |
| c) | <i>for car parking (in lieu of 2 deficient commercial car spaces)</i> | \$22,250.00 |
| d) | <i>Administration fee</i>   | \$425.00    |

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

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

15. *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 provide adequate provisions for parking to the development:***

16. *Carspaces 12 and 13 are to be allocated to the same unit.*

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

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

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

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

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

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

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

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

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

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

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

22. *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.*

23. *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:***

24. 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**.*

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

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

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

26. 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.*

27. 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**.

28. 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.*

29. *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.*
30. *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.*
31. *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.*

32. *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.*
33. *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.*

34. *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.*

35. *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*
36. *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.*
37. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
- (a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
  - (b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
38. *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.*
39. *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.*
40. *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.*
41. *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.*
42. *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”.*

43. *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.*

44. *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.*

45. *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.*

46. *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.*
47. *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.*

48. *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.*
49. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

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

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



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

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

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) \$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.*

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) \$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:***

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

a) *Construct full width concrete heavy duty vehicular crossings opposite the vehicular entry/exit points for the site.*

b) *Remove any redundant concrete vehicular crossings and to reinstate the area to Council's specification.*

c) *Remove the existing stone kerb in Anzac Parade and construct new kerb and gutter for the full site frontage.*

d) *Carry out a full depth, minimum 2 metre wide, road construction in front*

*of the kerb and gutter along the full site frontage in Anzac Parade.*

- e) Construct a 1.45m wide footpath along the full Mason Street site frontage except opposite the vehicular entry/exit points. The footpath construction works shall be in accordance with Council's Urban Design Guidelines for Maroubra Junction Commercial Centre.*
  - f) Remove the existing footpath along the Anzac Parade site frontage and to reconstruct the footpath in accordance with Council's Urban Design Guidelines for Maroubra Junction Commercial Centre.*
- 54. 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.*
- 55. 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.*
- 56. 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 are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
- 57. Prior to the issuing of a construction certificate the applicant shall submit to the Certifying Authority for approval, and have approved, longitudinal sections along the extremities and the centreline of each internal driveway/access ramp at a scale of 1:20. Each section shall indicate compliance with Council's issued alignment levels and the required high point of at least RL 26.23 (AHD). 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.*
- 58. The driveway opening located at the western end of the Mason Street frontage shall be set back a minimum of 0.5 metres from the western property boundary. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 59. A work zone is to be provided, (at full cost to the applicant), at a suitable location along the site frontage. The applicant shall contact Council's Traffic Engineer to determine the preferred location for the work zone prior to lodgement of a construction certificate application. The work zone shall have a minimum length of 12 metres, and all fees must be paid to Council at least four (4) weeks prior to*

*the commencement of building works.*

60. *To ensure that access is provided over the proposed right of carriageway serving No. 693-693A Anzac Parade, the applicant shall submit for approval and have approved by the certifying authority, longitudinal cross sections showing satisfactory ramp grades along the extremities and the centreline of the right of carriageway, prior to the issue of a construction certificate.*
61. *The applicant shall, at no cost to Council, dedicate a 3m x 3m splay corner for road widening purposes on the south-east corner of the development site, (intersection of Mason Street and Anzac Parade).*
62. *The applicant shall, at no cost to Council, dedicate a 1 metre wide strip of land along the Mason Street site frontage for road widening purposes.*
63. *Carspace no. 15 shall be signposted and linemarked as a 'Visitor Parking/Wash Bay' and carspace no. 14 shall be signposted and linemarked as 'Commercial/Shop Parking 8:00am – 6:00pm, Visitor Parking at other times'.*
64. *The turning area on the ground floor shall be clearly marked and signposted to ensure that it is used as turning area and not an additional parking space.*
65. *Collapsible bollards shall be installed within parking spaces 12 and 13 to prevent visitor/commercial vehicles from parking in the residential spaces*

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

66. *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:*

***In Anzac Parade: 100 mm above the top of the kerb at all points opposite the kerb, along the full Anzac Parade site frontage.***

***In Mason Street: 30mm above the top of the roll kerb at all points opposite the roll kerb, along the full Mason Street site frontage.***

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

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

67. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb in Anzac Parade and the kerb in Mason Street 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 \$1017.80*

*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 telecommunication companies, gas providers, Energy Australia and Sydney Water 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 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:***

73. *All habitable and storage areas shall be a minimum of 300 mm above the 1 in 100 year flood level (i.e. minimum RL of 26.38 (AHD)) and all car parking spaces on the ground level shall be at least 150mm above the flood level (i.e. RL 26.23 (AHD)). This condition has been imposed to minimise the possibility of floodwater entering the subject development.*
74. *There shall be no floor coverings, wall coverings or fixtures that may be adversely affected by flooding installed in the section of stair 3 that is constructed below RL 26.38 (AHD).*
75. *The internal driveway shall be designed with a high point to at least the 1 in 100 year flood level (i.e. minimum RL 26.08 (AHD)) with a floodgate providing a minimum 300mm freeboard. There shall be no windows, vents or other openings to the basement carpark below RL 26.23 (AHD).*
76. *The floodgates shall be designed by a suitably qualified structural engineer and shall be designed in accordance with the following requirements:*
  - a. *The floodgates shall automatically rise when water levels get to 300mm below the high point in the driveway.*
  - b. *Provision shall be made for manual raising and lowering of the floodgates.*
  - c. *Warning alarms and lights shall be provided to indicated when the floodgates*

*are being raised/lowered.*

- d. A back up pumping system (with a suitably sized sump) shall be provided in the basement carpark.*
- e. The floodgates shall be constructed with a full back up system for both power supply and raising mechanism.*

*Full details of the proposed floodgates, including a maintenance/service schedule, shall be submitted to the certifying authority for approval prior to the issuing of a construction certificate.*

- 77. A positive covenant shall be created on the title of the subject property detailing the maintenance requirements for the floodgates.*
- 78. All site stormwater leaving the site shall be discharged to councils underground drainage system in Mason Street via the existing kerb inlet pit located adjacent to the western property boundary in Mason Street.*
- 79. A reflux valve shall be provided over the outlet pipe from the site to prevent stormwater from Council's underground drainage system flowing back into the development site.*
- 80. Provision shall be made for all stormwater currently draining to the site to be collected and discharged through the site stormwater system. It is noted that this includes making provision for overland flow currently draining to the rear of 693 Anzac Parade and out to Mason Street through 695 Anzac Parade.*
- 81. The new internal driveway shall, where practicable, be suspended on piers with the area beneath left open to allow stormwater to infiltrate into the ground. In areas where it is not possible to suspend the driveway, the driveway shall be constructed from permeable paving to allow stormwater to infiltrate into the ground.*

*The plans submitted for the construction certificate shall demonstrate compliance with the above requirements.*

- 82. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
  - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit.*

*Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*

- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
  - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
    - i. *Roof areas*
    - ii. *Paved areas*
    - iii. *Grassed areas*
    - iv. *Garden areas*
  - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
  - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
  - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
  - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
83. *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.*
84. *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.*

85. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issue 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.*

86. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
87. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
88. *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).*

89. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
90. *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.*
91. *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)

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

- f. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the street drainage system; and
- g. 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.**

93. A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.

94. 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.*

95. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
  - b) *The car washing bay must be located outside any required/approved stormwater detention system and must be suitably signposted.*
  - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*

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

96. *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.*

97. *Should groundwater be present within 2 metres of the base of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/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.*

*Should the basement be tanked, 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).*

98. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*
99. *The footings of any structures located adjacent to the council controlled stormwater drainage line located immediately west of the western site boundary must be founded on rock, or; extend below a 30 degrees line taken from the level of the pipe invert at the edge of the easement (angle of repose). The building works must be inspected by the applicant's engineer to ensure that these footings and/or piers extend below the "angle of repose" and documentary evidence of compliance is to be submitted to Council, prior to proceeding to the subsequent stages of construction.*
100. *The existing council controlled stormwater drainage line that runs parallel to the western boundary of the site shall be fully protected during all excavation and construction works.*
101. *The applicant shall note that should this pipeline be damaged, Council will remove the damaged pipeline and construct a new 900 mm diameter R.R.R.C.P. with concrete encasement and associated junction pits. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.*

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

102. *The residential garbage area shall be designed so as to be able to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins.*
103. *To facilitate the garbage bins being wheeled to the street for collection, a ramp (rather than stairs) shall be provided at the entrance to the garbage area. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
104. *A separate garbage area shall be provided for the proposed retail/commercial area. The retail/commercial garbage area shall be designed so as to be able to contain a total of 2 x 240 litre bins (1 garbage bin & 1 recycle bin) 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.*
105. *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:***

106. *Detailed landscape drawings and specifications for all floors of the proposed development that are to contain any landscaping, are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
  - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

*The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.*

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants*

*and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
  - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
  - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
  - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
  - g. The landscape plan shall show a minimum number of 2 x 75 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
  - h. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
  - i. Location of easements within the site and upon adjacent sites (if any).*
- 107. 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.*

- 108. The applicant shall submit a landscape design for the Anzac Parade & Mason Street frontages of the development in accordance with Council's Urban Design Guidelines for Maroubra Junction Commercial Centre. The landscape design shall include pavements, as required by Council's Landscape Architect – 9399 0786.*

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

*construction certificate for the development.*

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

*A refundable deposit in the form of cash or cheque of \$4,000 per street frontage 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 Mason Street site frontages.*

109. *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.*

110. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
111. *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***

112. *Approval is granted for the removal of the following trees subject to the planting of 3 x 100 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a. *One Melaleuca species (Paperbark) located along the Mason Street property boundary.*
  - b. *Two Pittosporum species (Pittosporum) located along the Mason Street property Boundary.*
  - c. *One Palm (species undetermined) located along the Mason Street property boundary.*

- d. *One Brachychiton acerifolius (Illawarra Flame Tree) located along the northern property boundary.*
  - e. *One Cupressus species (Cypress Pine) located along the northern property boundary.*
  - f. *One Morus species (Mulberry Tree) located along the rear property boundary.*
  - g. *One Acmena smithii (Lilly Pilly) located along the rear property boundary.*
113. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$15,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
  - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

**ADVISORY MATTERS:**

- A1. *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 C2.6 - Vertical separation of openings in external walls*
- d) *Clause C3.2&C3.4 - Protection of openings in external walls*
- e) *Part D3 - Access for people with disabilities*
- f) *Part E1 - Fire fighting equipment*
- g) *Part E2 - Smoke Hazard Management*
- h) *Part E3 - Lift Installations*
- i) *Part E4 - Emergency lighting, exit signs and warning systems*
- j) *Part F4 - Light and ventilation*
- k) *Part F5 - Sound Transmission and Insulation*

*Details of compliance with the relevant provisions of the Building Code of*

*Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.*

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

A3. *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.*

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

A division was called for by Crs Whitehead and Matson. 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	

**9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
07/2003 - 11-13 FENTON AVENUE, MAROUBRA. (D/1105/2002)**

22 **RESOLUTION: (Bastic/Daley)** *that the application be deferred to allow for receipt of legal advice on the Right-of-Way which benefits adjoining properties on Fenton Avenue, Maroubra.*

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

(Cr Seng left the Meeting at this stage, with permission of the Mayor, the time being 8.55 p.m.)

**9.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
08/2003 - 35 DUDLEY STREET, COOGEE. (D/1049/2001)**

23 **RESOLUTION: (Backes/Procopiadis)** *that:*

(a) *the applicant be advised that Council is prepared to approve amended Condition No. 1 under the Section 96 application as detailed hereafter:*

*“1. The development must be implemented substantially in accordance with the plans numbered 0133 dated 22/10/01 and received by Council on 5/11/01 and as amended by plans 2590-S96-104B, 201B, 202b, 301B, 102B, 103B, 100A, 938LP/01, and any other additional information received with the original application and Section 96 Application received by Council on 20 November 2002.”*

(b) *in respect of proposed amended condition No. 70, Council invites the applicant to agree to the following condition:*

*“70. The applicant must provide for a detention volume of up to the 1 in 100 year storm event, plus an additional 50% of storm volume should no overland escape route be provided for storms greater than the design storm. In lieu of providing physical storage for the additional 50% of storm volume, Council would accept installation of a pump system which discharges to the kerb and gutter in Dudley Street.”*

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

**9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
09/2003 - PROPOSED UPGRADE OF PATRICK PORT BOTANY  
CONTAINER TERMINAL, PORT BOTANY. (98/S/2930)**

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

A. *Planning NSW be advised that Council requests that the following issues be addressed prior to any determination of the development application for the proposed upgrade of the Patrick Port Botany Terminal at Brotherson Dock, Penrhyn Road, Port Botany:*

1. *Appropriate consideration being given to the preparation of a master plan for Port Botany to provide a comprehensive framework for the development of the port and to ensure an integrated and holistic approach to the development of the port.*
2. *Assessment of the proposed development should be considered against the broader issue of the capacity and suitability for expansion of Port Botany in relation to other alternative ports in the region-state.*
3. *Appropriate consideration should be given to the treatment of key edges around the Patrick site, entries and exits by way of landscape treatment to soften the visual impact of the proposed development .*
4. *Appropriate consideration be given to the economic impacts that the proposal would have specifically on adjoining industrial zoned lands, in particular, the impact of the proposal for local industries in the adjoining industrial areas within Randwick City and how the uses proposed in the expanded port would establish expected linkages to local industries in adjoining and surrounding*

*areas, and the mechanisms necessary to facilitate economic benefits from the expanded port to adjoining industrial areas.*

5. *Appropriate consideration be given to identify the impact of the expanded Patrick terminal on existing port facilities within the Randwick City Council area in terms of expected linkages, spin offs and economies of scale and the relevance this relationship to the proposed upgrade and expansion of the Patrick Terminal and the selection of Port Botany for future expansion.*

6. *Appropriate consideration be given to the impact of construction on surrounding local land-uses and local residents including safety measures at construction stage.*

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

1. *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.*

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

3. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Appropriate Regulatory Authority and Randwick City Council **within 6 months of 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.*

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

5. *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.*

6. *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 storm water or sewerage drainage systems.*

7. *Suitably sized rainwater tanks being installed on the site for the water to be re-used onsite. Example for toilet flushing and landscaping irrigation.*

8. *Provision of design and installation for energy efficient lighting and hot water heating by suitable qualified practitioner for the office and amenity buildings on the site. This may include the use of solar power or incandescent censored lighting.*

9. *To minimise the potential for adverse traffic impacts within the City of Randwick it is recommended that all heavy vehicle movements into the development site be restricted to the following:*



*Right turn movements from Foreshore Drive into Penryhn Road.*

*Travelling south east along Botany Road across Foreshore Drive and into Penryhn Road.*

*Left turn movement from Botany Road into Penryhn Road, where the trip originated within port related facilities located immediately east of the development site.*

*To minimise the potential for adverse traffic impacts within the City of Randwick it is recommended that all heavy vehicle movements exiting the site should be limited to the following:*

*Left turn into Foreshore Drive from Penrhyn Road.*

*Across Foreshore Drive heading north-west along Botany Road.*

*Right turn movements into Botany Road from Penrhyn Road, subject to the end destination being within port related facilities located immediately east of the development site.*

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

**9.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
10/2003 - APPLICATION FOR VARIATION OF SUNDAY TRADING FOR  
195 - 199 MAROUBRA ROAD, MAROUBRA. (MAROUBRA JUNCTION  
HOTEL) (P/003422)**

- 25 **RESOLUTION: (Greenwood/Matson)** that Council proceed with the objection to grant the application by Robert Ellis Lees to vary the licensed trading hours from 10pm to 12 midnight on Sundays only, in respect to premises situated at 195-199 Maroubra Road, Maroubra known as the Maroubra Junction Hotel.

**MOTION: (Matthews/Nil)** that the application be approved lapsed for want of a seconder.

**FURTHER MOTION: (Greenwood/Matson) SEE RESOLUTION.**

**9.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
11/2003 - RANDWICK LOCAL ENVIRONMENTAL PLAN 1998:  
AMENDMENT NO. 32 - 15 BUMBORAH POINT ROAD, MATRAVILLE  
(98/S/1009)**

- 26 **RESOLUTION: (Daley/White)** that Council endorse the draft Local Environmental Plan Amendment No. 32 retaining the existing Port Botany 4B zoning and allowing the additional use of a recycling facility at 15 Bumborah Point Road, Port Botany, and agree to forward the draft LEP to the Minister for Planning requesting the draft LEP be made.

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

**FURTHER MOTION: (Greenwood/Matson) SEE RESOLUTION.**

**9.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
12/2003 - 6 ARGYLE CRESCENT, KINGSFORD (DEFENCE SITE,  
RANDWICK) (D/0747/2002)**

27 **RESOLUTION:** (*Backes/Bastic*) that:

- A. 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/0747/2002 for the establishment of the Randwick Environmental Park comprising conservation and passive recreation areas and construction of associated assets and infrastructure at 6 Argyle Crescent, 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. *A Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998. 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. The site Audit Statement must clearly state, where no standard exists, as with asbestos, that the remediated land is at an asbestos free level or to a level where no unacceptable health risk remains as confirmed in writing by NSW Department of Health. The entire site must be remediated to not less than the National Environmental Health Forum's health based soil investigation level (NEHF E) standard, (which is the remediation standard for open space).*

*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) 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.*
- e) 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.*

2. *A statement shall be submitted to Council together with relevant testing and justification by an independent and appropriately qualified professional confirming that the site, and in particular the former use of part of the site as an old grenades range, poses no risk from unexploded ordinance and that the land is suitable for its intended land use. The assessment shall have regard for any risk from prescribed (ecological) burns and bush fires in the proposed Randwick Environmental Park. Should the opinion make recommendations to negate risk, all recommendations are to be carried out and certified prior to this consent commencing.*
3. *Revised Landscape Site Plan – North, Issue E, and Landscape Site Plan – South Issue E, (dated August 2002, received by Council on 5 August 2002) in accordance with the changes shown in red on these plans.*

*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:*

1. *The development must be implemented substantially in accordance with the plans numbered Landscape Site Plan – North, Issue E, and Landscape Site Plan – South Issue E, dated August 2002, received by Council on 5 August 2002, as amended pursuant to the deferred commencement condition No.3, the application form, and on any supporting information received with the application, any plans specifications report study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, as amended by the following conditions and as may be shown in red on the attached plans:*
2. *All works shall be carried out generally in accordance with the redrafted Plan of Management dated January 2003, and any subsequent amendments to the Plan, as adopted by Council.*
3. *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 of 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 issue of a Construction Certificate** for above ground works or works not directly ancillary to a remediation process. 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.*
4. *Hazardous or intractable wastes being removed and disposed of in accordance with*

*the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*

*New South Wales Occupational Health and Safety Act, 2000;  
The Occupational Health and Safety (Hazardous Substances) Regulation 2001;  
The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;  
Protection Of the Environment Operations Act 1997 (NSW) and  
Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

5. *Should any underground tanks be discovered they shall be removed in accordance with:*

*Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*

*WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with conditions imposed).*

*In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.*

6. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
7. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes 1999'.*
8. *A Site Health & Safety Plan being prepared prior to the commencement of remediation works by the site auditor appointed for remediation of the site or a person with his qualifications. All works are to be carried out in accordance with this plan. This plan shall include:*
- hazard identification and control*
  - site security*
  - personal protective equipment*
  - work zones and decontamination procedures*
  - contingency plans and incident reporting*
  - environmental monitoring*
9. *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.*

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

10. *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.*
11. *A 24 hour complaints hot line 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.*
12. *The following conditions in respect of indemnity shall be met:*
  - (a) ***Prior to the issue of any construction certificate** in respect of any works permitted by this development consent, the Applicant must procure the execution and delivery to the Council by the Commonwealth of Australia ('Commonwealth') of a Commonwealth Indemnity.*
  - (b) *In this condition, 'Commonwealth Indemnity' means a covenant by deed in the following terms:  
'The Commonwealth irrevocably and unconditionally indemnifies Randwick City Council ('Council') against all legal liability of any nature which Council may incur for a period of 40 years from 17 September 2002, for or in respect of any death, personal injury, or damage to property, arising from or incurred in connection with any soil or ground water contamination in, of, or on the site of the proposed Randwick Environmental Park or any remediation of any soil or groundwater contamination in, of, or on the site of the proposed Randwick Environmental Park, whether or not the Council knew or should have known about a fact or circumstance that gives rise to a liability under this indemnity.'*
13. *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 to be submitted to Council in the Site Management Plan.*
14. *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.*
15. *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.*
16. *Pole mounted solar powered lighting is to be provided within the public domain of Randwick Environmental Park ('REP'). In addition to the areas specified in areas P1 and P2 on the plans pole mounted solar powered lights are to be provided over the proposed timber bridge in the south-eastern corner of the REP and also over the*

*proposed timber bridge in the north-western corner of the REP, between lots 16 and 17.*

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

17. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of 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 Construction Site Management Plan shall also incorporate all the measures listed in Section 7.4, page 18, of the Flora and Fauna Impact Report dated July 2002, and prepared by Kevin Mills and Associates.*

*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 and environmental amenity. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.*

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

18. *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.*
19. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
20. *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.*

***The following conditions are applied to provide adequate security against damage to Council's infrastructure and to ensure adequate maintenance of the landscaped areas:***

21. *Prior to the commencement of site construction works the applicant shall give Council a suitably worded undertaking stating that the applicant will meet the full cost for repairs to any Council infrastructure damaged as a result of works within the development site.*
22. *Prior to the commencement of site construction works the applicant shall give Council a suitably worded undertaking stating that the applicant will implement and maintain the landscape works in accordance with the approved landscape documentation.*

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

23. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
  - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
  - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (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) *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.*
  - f) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
  - g) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
24. *All site stormwater leaving the site must be discharged by gravity to the wetland located in the southern half of the Randwick Environmental Park.*
25. *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.*
26. *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.*

***The following conditions are applied to provide adequate provisions for protection of the Randwick Environmental Park:***

27. *The Applicant shall provide a written report of any breaches of the Randwick Environmental Park Conditions to Council's Bushland Management Technician by the next business day after any breach has occurred. The report shall be signed and dated and information in the report shall include, but not be limited to:*
- The date of the breach;*
  - The nature, extent (including in time and area and a map) and degree of the breach;*
  - The cause of the breach;*
  - All persons involved in the breach, including: full first and last names; contact number/s; organisation/s and reason/s for being present;*
  - All witnesses to the breach, including: full first and last names; contact number/s and organisation/s; and*
  - All plant, equipment, machinery, vehicles, substances, etc. involved in the breach.*
28. *If Council becomes aware of a breach of the Randwick Environmental Park Conditions for which such a report has not been provided to Council, then Council may request such a report, which shall then be provided to Council within 24 hours.*
29. *Council officers shall be allowed access to all parts of the site, including the proposed Randwick Environmental Park, on request.*
30. *All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign an Access Register. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:*

*full first and last names;*



*organisation;*  
*address;*  
*contact telephone numbers;*  
*signature;*  
*date;*  
*detailed reason for access;*  
*description of all areas accessed, including by vehicles, machinery and plant,*  
*using management zone codes in the draft Plan of Management.*

31. *Written authorisation to enter the site is only to be granted upon completion of the “site induction” described in Condition 30 above.*
32. *The Access Register shall be available for inspection and reproduction at all times by Council. The applicant shall provide Council with a true and complete copy of the Access Register immediately after transfer/dedication of the Randwick Environmental Park to Council.*
33. *All personnel employed in relation to the development shall receive a site induction prior to commencement of work, which shall include relevant information regarding the proposed Randwick Environmental Park, including, but not limited to:*
- the exact location of the proposed Randwick Environmental Park;*  
*the presence of nationally significant and threatened vegetation, a sensitive wetland and other native vegetation within the proposed Randwick Environmental Park;*  
*that the proposed Randwick Environmental Park area shall not be entered without written authorisation of the Applicant’s Project Manager;*  
*that no disturbance to vegetation or soils shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*  
*that no temporary or permanent placement or storage of any items of plant, materials, tools, equipment, vehicles, etc. shall occur within the proposed Randwick Environmental Park, except as in accordance with these conditions;*  
*that, in any case, access to, disturbance to vegetation and soils in, and placement or storage of items in the proposed Randwick Environmental Park, where these conditions allow, shall be minimised;*  
*that no other foreign matter, including concrete, bitumen, road base, fill, soils, mulch, water, cement wash, chemicals, paint, etc., shall be placed in or allowed to enter the proposed Randwick Environmental Park;*  
*the penalties for damaging threatened items and their habitats without authorisation;*  
*relevant contact numbers, including the Applicant’s Project Manager;*  
*that contravention of any of the above shall be reported immediately to the Applicant’s Project Manager by all persons involved in and witnessing such a contravention.*
34. *All personnel who have completed this induction shall sign an Induction Register stating that they have completed the induction and that this included all the above information. The Induction Register shall be available for inspection and reproduction at all times by Council.*

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

35. *The landscaped areas shown on Landscape Site Plan – North, plan number L02, Issue E, dated August 2002 and Landscape Site Plan – South, plan number L03, Issue E, dated August 2002 shall be the subject of detailed landscape drawings and specifications and amended pursuant to the deferred commencement Condition No3, which are to be submitted to, and approved by, Council, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing 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 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. The applicant is to liaise with Council's Bushland Management Officer (9399 0683) in regards to suitable plant species.*
  - 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, mulch and irrigation details, surface finishes, footpath details, retaining wall details, and any other landscape elements including lighting to Energy Australia standards, 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.*
  - d. *Species selection shall be considered carefully and shall avoid species known to be toxic, poisonous or to cause skin irritations or breathing difficulties.*
  - e. *The landscape plan shall include suitable shade trees to be incorporated into the landscape areas.*
  - f. *Location of easements within the site and upon adjacent sites (if any).*
36. *The applicant is required to submit detailed product and installation drawings for all park structures, site furniture and signage. These drawings 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 installation of any park structures, site furniture or signage.*

*In regards to all park structures, site furniture and signage, the applicant shall observe the following:*

- a. *All hardware used in the construction of the decking and viewing platforms*

*shall be stainless steel or hot dip galvanized.*

- b. All handrails/balustrades shall be constructed with stainless steel twisted wire and comply with BCA Clauses D2.16 “Balustrades and other barriers” and D2.17 “Handrails”.*
  - c. All interpretive, directional, information and regulation signs and panels are required to be in accordance with the “Best Practice Manual for Signs as Remote Supervision Version 2” developed by Statewide. This manual can be down loaded from [www.statewide.nsw.gov.au](http://www.statewide.nsw.gov.au).*
  - d. Litter bins shall be limited to 80litre wheel bins to be housed within a stainless steel or hot dip galvanized enclosure. Bin locations should take into consideration the need to minimize the use of maintenance vehicles on soft surfaced areas.*
  - e. All timber products shall be of good quality treated hardwood, details of which shall be required to be provided on the detailed drawings.*
  - f. All painted surfaces shall be coloured “Brunswick Green” as per Randwick City Council standards.*
- 37. The landscaping shall be installed in accordance with the detailed landscape drawings and specifications approved under condition No. 34 of this consent prior to the transfer of the Randwick Environmental Park to Council and shall be maintained in accordance with those plans.*

*All costs associated with the landscaping works shall be met by the Department of Defence and completed to the satisfaction of Council. All costs associated with maintaining the landscaping works for a further period of 19 years shall be met by the Department of Defence in accordance with the deed of agreement mentioned in Condition No 70.*

*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 transfer of the Randwick Environmental Park to Council 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.*

- 38. All proposed infrastructure works within the Randwick Environmental Park, (excluding those works that could be categorised as “Bushland Works”), shall be completed to Council’s satisfaction prior to the Randwick Environmental Park being transferred to Council ownership. The “Bushland Works” shall not commence until after the Randwick Environmental Park has been transferred to Council. The Department of Defence shall pay for maintenance works for the bushland areas and for all infrastructure items for a period of 19 years in accordance with the deed of agreement mentioned in Condition No.70.*
- 39. All weed removal or bush regeneration to be undertaken prior to the transfer of the Randwick Environmental Park to Council shall be carried out in consultation with, and to the satisfaction of, Council’s Bushland Management Technician. The applicant*

*shall liaise with the Bushland Management Technician prior to the commencement of the weed removal or bush regeneration works.*

40. *Temporary protective 1800mm high cyclone wire fencing shall be installed on the boundary of REP and the developable area prior to the commencement of any construction work. This fencing shall be located on the boundary of the bushland buffer areas in consultation with Council's Bushland Management Technician. Silt fencing shall also be installed on the boundary.*
41. *The applicant shall provide the following infrastructure/items as part of the proposed works:*
  - A minimum of six, 55L capacity, litter bins shall be provided in various locations on the pedestrian accessways.*
  - A minimum of four, 240 L capacity litter bins, housed on a concrete pad, shall be provided at the picnic shelters in the northern passive recreation area.*
  - Four electric BBQs shall be provided, two at each picnic shelter in the centre of the northern passive recreation area.*
  - Three lockable steel gates for emergency and maintenance vehicles shall be installed at the Banksia and Musket St access, the Henning Ave access and the Lobelia St reversing bay. Each gate will have a locking system consistent with other Council park gate locking systems.*
  - Two water bubblers shall be provided, one at each BBQ in the northern passive recreation area.*
  - Three taps shall be provided, one at each BBQ in the northern passive recreation area and one in the southern passive recreation area.*
  - Pole mounted, solar powered lighting shall be installed in the southern passive recreation area, in the northern passive recreation BBQ area and at each of the bridges.*
42. *All existing concrete, bitumen and other foreign material shall be removed from the Randwick Environmental Park prior to the transfer of the Randwick Environmental Park to Council. The removal works shall be carried out in consultation with, and to the satisfaction of, Council's Bushland Management Technician.*
43. *The two proposed picnic shelters are to be located towards the centre of the northern passive recreation area. Location and design details for the proposed picnic shelters shall be submitted to Council for approval, and be approved, prior to the commencement of any works associated with the picnic shelters.*
44. *Regrading works on the southern side of the wetland shall include the removal of the waste materials and shall be performed in consultation with Council's Bushland Management Technician.*
45. *The applicant shall consult with Council's Bushland Management Technician prior to the removal of persistent weed species in the Randwick Environmental Park. Council*

*recommends that Council's bushland management staff be present at all times when mechanical removal of these species is undertaken.*

46. *There shall be no planting within the remnant bushland and its buffer areas, such areas shall be identified by Council.*
47. *Planting of low, erosion-controlling species shall be carried out inside the fence on the southern and western edges of the wetland within the wetland buffer. No planting shall be carried out adjacent to Eastern Suburbs Banksia Scrub. The applicant shall contact Council's bushland management staff to obtain details on the appropriate species and the supplier/s of plant stock.*
48. *The Planting Schedule shall not include the following species; Dietes grandiflora, Dietes bicolor, Poa labillardieri 'Eskdale', Acacia suaveolens, Acacia ulicifolia, Carpobrotus glaucescens, Darwinia fascicularis, Dianella Rrevoluta, Dichelacne crinita, Eriostemon australasius, Goodenia bellidifolia, Leptospermum arachnoides, Pimilea linifolia. The Planting Schedule may include the following species; Melaleuca nodosa for shrubs to parks and path edge, Dianella congesta for ground covers and path edge, Calytrix tetragona for shrubs to parks and path edge, Leptospermum polygalifolium for shrubs to parks. An amended planting schedule shall be submitted to Council for approval, and be approved, prior to the commencement of site construction works.*
49. *No topsoil shall be imported into the Randwick Environmental Park in any planting areas.*
50. *A 2300mm wide concrete footpath shall be constructed running south-east to north-west through the northern passive recreation area. The pathway shall generally follow the desire line from Moverly Green to the park entry at Banksia Street. Trees shall be installed on both sides of this pathway.*
51. *Consultation with Council's bushland management staff shall be undertaken prior to the re-location of the decontaminated topsoil. Council's bushland management staff shall be invited to attend the site to oversee the spreading of the re-located topsoil.*
52. *The banks of the creek in the south-eastern corner of Randwick Environmental Park shall be stabilised with rock walling sympathetic to the natural appearance of the park. Details shall be submitted to Council for approval prior to the commencement of the stabilisation works. Rock filled gabions shall not be used to stabilise the creek banks. All creek stabilisation works shall be designed by a suitably qualified engineer.*
53. *The existing cyclone wire fencing located east, west and north of the wetland shall be removed by the applicant.*
54. *All 1200mm high permanent protective fencing, is to be infilled with hinge wire with two top straining wires.*
55. *All 1200mm high permanent protective fencing shall be located a minimum of 1200mm from any footpaths adjacent to the fencing, to Council's satisfaction.*
56. *All fencing shall contain vehicle access gates to each buffer area in accordance with*

*Council' requirements.*

57. *All stormwater drainage works within or adjacent to the Randwick Environmental Park, (including the installation of Gross Pollutant Traps), that are associated with Development Applications 428/2002 and 427/2002 shall be in accordance with stormwater plans/specifications approved for these applications.*
58. *The proposed Gross Pollutant Trap at the corner of Banksia and Hendy Streets shall be located clear of the Randwick Environmental Park.*
59. *All paths and accessways shall be constructed from concrete to Council's specification. The applicant shall contact Council's Development Engineer to obtain Council's design requirements prior to lodgement of any construction certificate application for the site. The construction certificate application shall include the detailed design and specification for the various pathways/accessways.*
60. *All 3000mm paths shall be constructed with suitable splayed corners to allow for maintenance vehicle access.*
61. *The path to Moverly Green from the Randwick Environmental Park shall be 2300mm wide.*
62. *The paths at the entrances from Henning Ave and the corner of Banksia and Musket Streets shall be widened alongside the vehicle gates to provide a separate pedestrian access point. The applicant shall contact Council's Development Engineer to discuss Council's requirements for the pedestrian accessways prior to lodgement of a construction certificate application.*
63. *A 3000mm wide concrete accessway shall be provided to the eastern Gross Pollutant Trap, immediately north of the straight stretch of path from the Henning Ave access, to allow access for maintenance vehicles. The concrete accessway shall be designed to Council's specification.*
64. *Fencing adjacent to viewing platforms shall connect directly to the viewing platform fence and rails to eliminate any access to the wetland.*
65. *The bridge over the creek in the south east of the wetland shall not have piers located in the creek's flow path. Design details for the bridge shall be submitted to Council for approval, and be approved, prior to the issuing of a construction certificate.*
66. *The fencing adjacent to the bridges shall connect directly to the bridge railing and balustrading to prevent access to the wetland.*
67. *A minimum 2300mm wide, timber and steel pedestrian bridge shall be constructed over the bushland and easement in the north west of REP, from the corner of Banksia St and Hendy Ave to the Community Facility. The bridge shall meet the requirements for wheelchair access and shall be at least 2.5 metres high at its highest point. Full design details for the subject bridge shall be submitted for approval with the construction certificate application. The applicant shall contact Council's Development Engineer to discuss Council's design requirements for this bridge prior to lodgement/preparation of the construction certificate application.*

68. *Any proposed interpretive shelter shall contain signs that are for the purpose of identifying the park's features and conservation values.*
69. *Six interpretive signs shall be provided for educational purposes on the main walking circuit in locations nominated by Council. Interpretive signage shall include the following features:*

*Each sign shall be a minimum of 400mm x 300mm.*

*Each sign shall be angled to allow for easy reading.*

*Each sign shall be located on the walk or canter-levered beyond a viewing platform railing.*

*The sign on the bridge shall be canter-levered beyond the outer railing.*

*The design of the signage shall be consistent with Council's interpretive signage on the Randwick section of the Coast Walk.*

*The design of each sign shall include a combination of text and illustration, either photographic or drawing*

*Each sign shall include Council's logo and appropriate framing lines to denote a bush, rather than coastal, reserve.*

*Each sign shall be consistent in the use of headings, fonts etc.*

70. *Prior to the issue of a construction certificate, the applicant on behalf of the Commonwealth of Australia must enter into a deed of agreement with Randwick City Council to give effect to the following:*

*A. Year One Infrastructure Works*

- i. All costs associated with the first year infrastructure works to establish the Randwick Environmental Park shall be met by the Applicant to the maximum value of one million dollars (\$1m) and those works must be completed to the satisfaction of the Council.*
- ii. The Applicant shall prepare a schedule detailing the components of the infrastructure works. This schedule is subject to approval by the Council and if approved shall be annexed to and form part of the deed of agreement referred to in this condition.*

*B. Maintenance Program*

- i. Upon completion of the first year infrastructure works and subsequent dedication of the Randwick Environmental Park to Council the Applicant shall pay the Council the lump sum of two and a half million dollars (\$2.5m) towards the cost of management and maintenance of the Randwick Environmental Park for a period of nineteen (19) years.*
- ii. The Applicant shall prepare a schedule detailing the components of the maintenance program for the nineteen (19) year period following the dedication of the Randwick Environmental Park. This schedule is subject to approval by the Council and if approved shall be annexed to and form part of the deed of agreement referred to in this condition."*

*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.*

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

**9.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 13/2003 - DESIGN REVIEW PANEL UNDER STATE ENVIRONMENTAL PLANNING POLICY NO.65. (98/S/4035)**

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

1. *Agree to write to the Minister for Planning recommending the potential Panel members listed in the Attachment to the Director's Report 13/2003 and request that the Minister appoint a SEPP 65 Design Review Panel for Randwick and Waverley Councils; and*
2. *Endorse the establishment of an interim panel for Randwick City, pending the Minister's establishment of the SEPP 65 Design Review Panel.*

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

**10. PETITIONS.**

**10.1 SUBMITTED BY CR MATTHEWS ON BEHALF OF THE RESIDENTS SUPPORTING THE DEVELOPMENT APPLICATION FOR 11-15 FENTON AVENUE, MAROUBRA. (98/S/1173(3) xr D/1105/2002)**

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

**10.2 SUBMITTED BY CR MATTHEWS ON BEHALF OF THE RESIDENTS OF MALABAR CONCERNING FORREST, MACQUARIE AND DAMPIERS STREETS. (98/S/1173(3) xr R/0302/01 xr R/0491/02 xr R0216/02)**

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

**10.3 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF THE RESIDENTS OF DONOVAN AVENUE CONCERNING ON-GOING PARKING PROBLEMS. (98/S/1173(3) xr R/0243/02)**

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

**10.4 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF THE RESIDENTS OF QUEEN STREET, RANDWICK REGARDING THE MOBILE GARBAGE CARTS AT 48 COOGEE BAY ROAD. (98/S/1173(3) xr D/1143/2000)**



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

**10.5 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF THE RESIDENTS OF GARNET STREET OPPOSING THE INSTALLATION OF A DISABLED PARKING SPACE IN GARNET STREET, SOUTH COOGEE. (98/S/1173(3) xr R/0323/00 xr P/006358)**

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

**10.6 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF THE RESIDENTS FROM FLOOD STREET, CLOVELLY REQUESTING COUNCIL'S SUPPORT FOR THE RELOCATION OF A SUBSTATION IN THEIR STREET. (98/S/1173(3) xr P/015570)**

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

**10.7 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF THE RESIDENTS OF CANBERRA STREET OPPOSING THE DEVELOPMENT APPLICATION FOR A PIZZA SHOP AT 48B CANBERRA STREET, RANDWICK. (98/S/1173(3) xr D/1054/2002)**

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

## **11. MOTIONS PURSUANT TO NOTICE.**

**11.1 By Councillor Matson – Need for Public Meeting over Claremont College Expansion. (D/1145/2002 xr 98/S/0178)**

**(Note: This item was dealt with in conjunction with Item 11.18 and following Item 9.8)**

**MOTION: (Matson/Whitehead)** that Council convenes a public meeting in the Lodge Room of the Town Hall to allow greater community consultation over the Development Application for Claremont College at 23 Judge Street, Coogee. **LOST.**

**11.2 By Councillor Andrews – Parking Spaces in Maroubra Junction. (R/0031/02 xr 98/S/0178)**

This motion was withdrawn by Councillor Andrews with the consent of Council.

**11.3 By Councillor Andrews – Proposed Roundabout at Mons Ave & Malabar Road, Maroubra. (R/0537/2002 xr R/0495/02 xr 98/S/0178)**

36 **RESOLUTION: (Daley/Andrews)** that the matter of a roundabout being constructed at the intersection of Mons Avenue and Malabar Road, Maroubra be referred to the Traffic Committee for consideration.

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

**11.4 By Councillor Andrews – Proposed Parking Patrol Officer at Maroubra Junction. (R/0031/02 xr 98/S/0178)**

This motion was withdrawn by Councillor Andrews with the consent of Council.

**11.5 By Councillor Andrews - Proposed Parking Patrol Officer at Maroubra Beach. (98/S/1531 xr 98/S/0178)**

This motion was withdrawn by Councillor Andrews with the consent of Council.

**11.6 By Councillor Andrews – Use of rooms at Maroubra Beach Pavilion. (98/S/1646 xr 98/S/0178)**

This motion was withdrawn by Councillor Andrews with the consent of Council.

**11.7 By Councillor White – Naming of the North Head of Little Bay. (98/S/1730 xr 98/S/0178)**

37 *RESOLUTION: (White/Daley) that Council investigate the naming of the north head of Little Bay as Buchan Point.*

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

**11.8 By Councillor Procopiadis – Update on Litter Patrol by Council. (98/S/3806 xr 98/S/0178)**

38 *RESOLUTION: (Procopiadis/Schick) that a report be prepared for Council on the effectiveness of the Litter Patrol including options of improving removal of dumped materials.*

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

**11.9 By Councillor Bastic – Advice on Council’s power to order repair and maintenance on a dilapidated property. (R/0096/02 xr R/05001/01 xr 98/S/0178)**

39 *RESOLUTION: (Bastic/Andrews) that a report on the issue of Council’s powers and authority to order the repair and maintenance of properties which are in a dilapidated state be submitted to Council.*

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

**11.10 By Councillor Matthews – Directional Sign for St Michael’s Golf Club. (D/0275/2001 xr 98/S/0178)**

40 *RESOLUTION: (Daley/Andrews) that the matter of the possibility of a directional sign being installed to guide visitors to St Michael’s Golf Club be referred to the Traffic Committee.*

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

**11.11 By Councillor Matthews – Resurfacing of Boulevard at Malabar. (R/0716/00 xr 98/S/0178)**

**MOTION: (Matthews/Notley-Smith)** that a report be submitted to Council regarding the Boulevard at Malabar, detailing where this road is sitting for resurfacing in the pavement management system. **LOST.**

**11.12 By Councillor Matthews – Sale of Drainage Reserve in Waterton Avenue, Matraville. (P/01964 xr P/014790 xr 98/S/0178)**

**MOTION: (Matthews/Notley-Smith)** that a report be submitted to Council on the possibility of Council selling the drainage reserve between 13 and 15 Waterton Avenue, Matraville to the owner of number 13 Waterton Avenue, Matraville. **LOST.**

**11.13 By Councillor Matthews – Proposed Speed Humps for Jersey Road, Matraville. (R/0418/02 xr 98/S/0178)**

- 41 **RESOLUTION: (Daley/Andrews)** that the matter of speed humps being placed approaching the hill in Jersey Road, Matraville be referred to the Traffic Committee.

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

**11.14 By Councillor Matthews – Removal of Trees at Long Bay Jail. (D/0753/2002 xr 98/S/0178)**

**(Note: This item and items 11.16 & 11.19 were dealt with following item 6.4)**

- 42 **RESOLUTION: (Matthews/Schick)** that the General Manager, Mr Gordon Messiter (before he retires) submit a report to the Councillors regarding the trees (over 150) that were cut down at Long Bay Jail and what action this Council is taking.

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

**11.15 By Councillor Matthews – Proposed Roundabout for Forrest, Macquarie & Dampier Streets, Chifley. (R/0302/02 xr R/0491/02 xr R/0216/02 xr 98/S/0178)**

- 43 **RESOLUTION: (Matthews/Andrews)** that the matter of the possibility of a roundabout on the corner of Forrest, Macquarie and Dampier Streets, Chifley being installed be referred to the Traffic Committee.

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

**11.16 By Councillor Whitehead – Heritage Protection. (98/S/0207 xr 98/S/0282 xr 98/S/0178)**

**(Note: Items 11.16 and 11.19 were considered in conjunction with each other and were also dealt with after item 11.14)**

- 44 **RESOLUTION: (Tracey/Greenwood)** that a report be prepared by Council Officers which details how Council can give effect to Councillors' wishes that all unoccupied heritage properties be properly secured and maintained.

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

**11.17 By Councillor Whitehead – Application of DCP 16, Kingsford Commercial Centre. (98/S/0912 xr 98/S/0178)**

**MOTION: (Whitehead/Matson)** that DCP 16 Kingsford Commercial Centre be fully applied to development in that centre as the LEP 98 provides no protection from overdevelopment and this is an irresponsible situation. **LOST.**

**11.18 By Councillor Whitehead – Public Meeting to discuss 23 Judge Street, Randwick. (D/1145/2002 xr 98/S/0178)**

**(Note: This item was dealt with in conjunction with Item 11.1 and following item 9.8)**

**MOTION: (Matson/Whitehead)** that a public meeting be timetabled to enable discussion with the local community regarding proposals to demolish part of heritage listed 23 Judge Street and extend the remainder, and to use Judge Lane as a childrens' crossing for children moving from one part of Claremont College to the other. **LOST.**

**11.19 By Councillor Matson – Access to site – 2-4 Frances Street, Randwick. (D/1230/2001 xr 98/S/0178)**

**(Note: Item 11.19 was considered in conjunction with Item 11.16 and was dealt with after item 11.14)**

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

**DISSENT MOTION: (Matson/Greenwood)** on the Ruling of the Chairperson. **LOST.**

**11.20 By Councillor Matson – Public Explanation Required for Excess Tree Removals in Bligh Place at the end of Fred Hollows Reserve. (R/0091/03 xr 98/S/1187 xr 98/S/0178)**

45 **RESOLUTION: (Tracey/Daley)** that Council notes the Mayor's explanation about the recent ground weed clearances at the Bligh Place end of Fred Hollows Reserve and Council authorises the Mayor to communicate with local residents setting out Council's actions and proposed replanting measures.

**MOTION: (Matson/Greenwood)** that:

- (a) a report be generated by Council staff and circulated to Councillors and residents of Bligh Place detailing the sequence of events that resulted in the excessive removal of trees and vegetation from the Bligh Place end of Fred Hollows Reserve in February. Further, that this report come back to the next meeting of Council; and
- (b) the report also detail immediate and long term plans for remediation of that particular area and funding for that purpose be provided.

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

**11.21 By Councillor Matson – Need to Restrict Car Access to Dunningham Reserve. (98/S/2974 xr 98/S/0178)**

46 **RESOLUTION: (Backes/Whitehead)** that:

- (a) Council proceed forthwith to prevent unauthorised vehicle entry through any access points in Dunningham Reserve; and
- (b) Councillors be advised when this action has taken place.

**MOTION: (Matson/Greenwood)** that a report be brought back to the next Council meeting detailing options and costings for blocking entry to Dunningham Reserve by cars from Major Street, the Major and Arcadia Street intersections, the end of Baden Street and further to the west on Baden Street. **LOST.**

**AMENDMENT: (Backes/Whitehead) SEE RESOLUTION.**

(Councillors Bastic and Matthews left the Chamber at this stage of the meeting.)

**11.22 By Councillor Matson – Need to Return to Former Proposals for Traffic Calming in the Dolphin, Judge and St Lukes Streets Area. (R/0238/02 xr R/0423/02 xr R/0704/02 xr 98/S/0178)**

**MOTION: (Matson/Greenwood)** that an appropriate sum of money be set aside in the draft budget for street calming measures in the Dolphin, Judge and St Luke Streets region of Coogee. The exact sum to be determined by Ward Councillors following consultation with Council engineers and local residents. **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 Daley
Cr Whitehead	Cr Procopiadis
	Cr Schick
	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey
	Cr White

**12. URGENT BUSINESS.**

Nil.

**13. CONFIDENTIAL REPORTS.**

Nil.

**14. COMMITTEE-OF-THE-WHOLE.**

Nil.

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

Nil.

**16. NOTICE OF RESCISSION MOTIONS.**

Nil.

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

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 25<sup>TH</sup> MARCH, 2003.

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CHAIRPERSON