

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 27TH MAY, 2003 AT 6.15 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 T. Seng and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Team Leader Strategic Planning	Mr. T. Watson.
Acting Manager Strategic Planning	Ms. K. Armstrong.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.

1. COUNCIL PRAYER

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

2. APOLOGY.

An apology was received from Cr Bastic.

RESOLVED: (Daley/Andrews) that the apology be received and accepted and leave of absence be granted to Cr Bastic from the Ordinary Council Meeting held on Tuesday, 27th May, 2003.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 29TH APRIL, 2003.**

102 **RESOLUTION:** (*Andrews/Procopiadis*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 29th April, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (**His Worship the Mayor, Cr D. Sullivan**/) that the meeting be adjourned at 6.18 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. Mrs Evelyn Harris, 88 Haig Street, Maroubra on Item 8.2, Director Planning & Community Development's Report 32/2003 - 335 Maroubra Road, Maroubra.
2. Mr Craig Thorn, 26 Birdwood Avenue, Pagewood on Item 8.2, Director Planning & Community Development's Report 32/2003 - 335 Maroubra Road, Maroubra.
3. Mr Tony Mooney, 17 Woonah Street, Little Bay on Item 8.4, Director Planning & Community Development's Report 34/2003 - 17 Woonah Street, Little Bay.
4. Ms Larissa Andelman, 385 Maroubra Road, Maroubra on Item 8.5, Director Planning & Community Development's Report 35/2003 - 178-182 Marine Parade, Maroubra.
5. Mr Rob Welborn, 1 Kent Street, Sydney on Item 8.5, Director Planning & Community Development's Report 35/2003 - 178-182 Marine Parade, Maroubra.
6. Mr Robert Brenac, 4 Cottenham Avenue, Kensington on Item 8.6, Director Planning & Community Development's Report 36/2003 - 240-266 Anzac Parade & 101-105 Doncaster Avenue, Kensington.
7. Mr Richard Frances-Jones, Level 5, MCA, George St, Sydney on Item 8.6, Director Planning & Community Development's Report 36/2003 - 240-266 Anzac Parade & 101-105 Doncaster Avenue, Kensington.
8. Ms Rozita Leoni, 3/41 Minneapolis Crescent, Maroubra on Item 10.3, N.O.M by Councillor Matthews – Grant to build a Community Hall in South Maroubra.
9. Mr Robert Belleli, 71 New Orleans Crescent, Maroubra on Item 10.4, N.O.M by Councillor Matthews – Crime Prevention in Lexington Place.
10. Mr Ray McGuinness, 18 Cross Street, Bronte on Item 10.9, N.O.M by Councillor Notley-Smith – Des Renford Aquatic Centre.
11. Mr Greg Baxter, 32 Dwyer Avenue, Little Bay on Item 10.9, N.O.M by Councillor Notley-Smith – Des Renford Aquatic Centre.
12. Mr David Cowper, 15 Inglethorpe Avenue, Kensington on Item 10.14 N.O.M by Councillor Whitehead – Refurbishment of Fitzpatrick Park.

RESOLVED: (**Andrews/Seng**) that the meeting be further adjourned at 7.41 p.m.

RESOLVED: (**Backes/Notley-Smith**) that the meeting was resumed at 8.24 p.m.

5. MAYORAL MINUTES.

5.1 MAYOR'S MINUTE 29/2003 - THE SHACK YOUTH SERVICES. (98/S/0739)

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

- (a) Council waive the amount of \$715.00 to cover the fees associated with administration fee and bond and be charged to the Councillors' Requested Works allocation; and
- (b) acknowledgement of Council's contribution to the event be appropriately publicised by Council's Communications Unit.

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

5.2 MAYOR'S MINUTE 30/2003 - COUNCIL AMALGAMATION. (98/S/0064)

104 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that Randwick Council accepts the Minister's invitation to submit a boundary alteration proposal and a formal proposal be prepared and brought back to Council for Council's endorsement.**

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

AMENDMENT: (Matson/Greenwood) that before Randwick City Council accepts the Minister's invitation to submit a boundary proposal, Randwick City Council consult with both Botany and South Sydney Councils. LOST.

FURTHER AMENDMENT: (Matson/Greenwood) that the recommendation in the Mayor's Minute be adopted and that any proposed electoral variation be one of retaining proportional voting. RULED OUT OF ORDER BY MAYOR.

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

5.3 MAYOR'S MINUTE 31/2003 - WAIVING OF FEES – COOGEE CAMPOUT. (98/S/4125)

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

- (a) *Council give "in principle" approval of this event, subject to the satisfactory compliance with any conditions that may be attached to the approval;*
- (b) *Council vote to cover the fees associated with this event and funds be charged to the Councillors' Request Works Allocation; and*
- (c) *The applicants detail to the Mayor and General Manager the sponsorship and more detailed planning a fortnight before the event is to take place, prior to this becoming an "in principle" approval.*

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

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 11/2003 - MARCH QUARTER REVIEW - 2002/05 MANAGEMENT PLAN. (98/S0555)

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

- (a) *the information contained in the General Manager's Report 11/2003 on the March Quarter Review – 2002/05 Management Plan be received and noted; and*
- (b) *Manex review the possibility of the Landscaping DCP and Drainage DCP being completed, as detailed in the Performance Target for these projects, and a report be submitted to the Works Committee Meeting on the matter.*

MOTION: (Daley/Andrews) SEE RESOLUTION.

6.2 GENERAL MANAGER'S REPORT 12/2003 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION. (98/S/0018)

107 **RESOLUTION:** *(Andrews/White)* that authority be granted for the Council's Common Seal to be affixed to the Service Agreement with NSW Department of Community Services for Community Workers 1 & 2 and the Youth Worker positions as outlined in General Manager's Report 12/2003.

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

6.3 GENERAL MANAGER'S REPORT 13/2003 - 2002/2003 BUDGET - REVIEW AS AT 31 MARCH 2003. (98/S/4403)

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

- (a) *the General Manager's Report 13/2003 in relation to the March, 2003 budget review be received and noted; and*
- (b) *the budget variations referred in paragraph (b) in the General Manager's Report 13/2003 be adopted.*

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

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 17/2003 - SURPLUS LAND ADJOINING 10 GIBSON PLACE, LITTLE BAY. (P/013052)

109 **RESOLUTION:** *(Daley/White)* that Council make application to close and sell the section of road shown on the diagram, subject to:

- (a) *all administrative, survey and legal costs to be borne by the owner of 10 Gibson Place, Chifley;*
- (b) *Council briefing its own valuer to set a reasonable value for the land in question;*
- (c) *the owner advising Council of the acceptance of all of the above conditions and providing Council with payment of the application fee and all other fees required by the Department of Land & Water Conservation prior to Council making application for this closure;*
- (d) *the applicant being advised that should the owner of 1251 Anzac Parade, also wish to purchase this land, Council would have to consider the best offer for the land subject to any offer being greater than or equal to the independent valuation sought by Council.) and*
- (e) *the matter again be brought before Council before any further determination on the land is made and that the report include a more up to date valuation.*

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

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 18/2003 - SOUTH DOWLING STREET SERVICE ROAD, KENSINGTON. (R/9999/00)

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

- (a) Council accept the RTA's response to issues detailed in Council's resolution from its meeting held 28 August, 2001; and
- (b) Council accept the transfer of the service road as a local road, and the associated maintenance responsibilities, subject to
 - i. the RTA's proposed contribution of \$70,000 to the costs of resealing the road pavement and constructing a playground in Ingram Street and Dowling Lane;
 - ii. an assessment of the condition of the landscaped area adjacent the sound wall, and the RTA meeting the cost to address any identified deficiencies;
 - iii. the RTA meeting the cost for any legal, survey or administrative costs required to facilitate the transfer.
 - iv. the RTA contributing a further \$30,000 to cover the on-going maintenance costs in respect of the landscaping along the noise wall.

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 19/2003 - 32 BEACH STREET, COOGEE - DRAINAGE PROBLEMS. (P/004045)

- 111 **RESOLUTION: (Daley/Notley-Smith)** that this item be deferred to the next Council meeting to allow for a review of the Consultant's report by the owner of 32 Beach Street.

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

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 20/2003 - REGIONAL TENDER FOR DRY RECYCLABLE RECEIVAL, SORTING AND MARKETING. (98/S/2455)

- 112 **RESOLUTION: (Notley-Smith/Backes)** that Council:

- (a) encourage the regional tender initiative for receivable, sorting and marketing of recyclables collected at kerbside by Councils in the Southern Sydney region;
- (b) note that Randwick City Council is unable to participate in this tendering process due to Council's existing contractual arrangements with Collex until the contract expires; and
- (c) authorise the General Manager to sign off on the tender specification prior to tender advertisements as appropriate.

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

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 21/2003 - VEGETATION REMOVAL AND RECTIFICATION WORKS WITHIN LONG BAY CORRECTIONAL FACILITY, MALABAR. (P/000925xr D/0753/2002)

- 113 **RESOLUTION: (Daley/White)** that Council immediately begin legal proceedings in the Land and Environment Court in its Injunctive Jurisdiction against the Department of Corrective Services.

MOTION: (Daley/White) SEE RESOLUTION.

8. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

8.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 31/2003 - 46 KITCHENER STREET, MAROUBRA. (D/0815/2002)

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

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 02/00815/GA for alterations and additions to an existing semi-detached dwelling, including a first floor addition, at 46 Kitchener Street, Maroubra, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered 1-6 Revision B prepared by Modum Pty Ltd dated 7th May, 2003 and received by Council on the 7th May, 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 colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

3. *The design and colour of the roof tiles to the proposed building/s are required to match, as closely as possible, the material and colour of the existing roof.*

4. *A lattice privacy screen having a height of 1.5m is to be provided to the western side elevation of the rear (north facing) balcony. and details of compliance are to be provided in the construction certificate plans.*

5. *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.*

6. *All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*

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

8. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
9. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
10. *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.*

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

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

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

12. *The finished ground level outside of the building is required to be a minimum of:*

*150mm below the internal floor level of the building, or,
100mm below the internal floor level of the building in sandy, well drained areas,
or,
50mm below the internal floor level of the building where an external paved area or slab is provided adjacent to the building, which is graded not less than 50mm over the first 1m away from the building,*

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

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

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

14. *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.*
15. *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):

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

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

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

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

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

18. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, prior to the commencement of any demolition works.*
19. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning &*

Assessment Regulation 2000.

20. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
21. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
22. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

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

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's consent:

- *Sediment control measures.*
 - *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
 - *Maintenance of the public place free from unauthorised materials, sand, soil, debris, waste containers or other obstructions.*
23. *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) *stormwater drainage*
 - b) *external finishes and materials*
 24. *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.*
 25. *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.

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

27. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*

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

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

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

30. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*

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

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

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

32. *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".*
33. *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.

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

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

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

35. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

36. *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.*
37. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
38. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
39. *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. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

41. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
42. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).

Covering of stock piles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.

Installation of a water sprinkling system or provision hoses or the like.

Regular watering-down of all loose materials and stock piles of sand, soil and excavated material.

Minimisation/relocation of stock piles of materials, to minimise potential for

*disturbance by prevailing winds.
Revegetation of disturbed areas.*

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

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

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

44. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

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

45. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

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

Provisions.

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

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

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

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

The following conditions are applied to ensure adequate environmental protection.

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

Advisory Conditions

- A1. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A2. *The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

**8.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
32/2003 - 335 MAROUBRA ROAD, MAROUBRA. (D/1209/2002)**

115 **RESOLUTION:** *(Daley/Backes) that:*

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1209/02/GG for alterations and additions and change of use to a mortgage broking company at 335 Maroubra Road, Maroubra subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans with Project No. 2002 – 24 and numbered ID. G.100. DA-S1 and ID. DA.500 DA-S2, both amendment C, dated 7th April 2003 and received by Council on the 15th April, 2003 and ID. DA. 501, amendment A, dated May 15th 2003 and received by Council on the 16th May, 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 hours of operation of the premises are restricted to 8.30am to 5.30pm, Monday to Friday and by appointment only on Saturdays between 9.00am and 12.00 noon.*

3. *The area of concrete adjacent to the rear of the building shall be removed prior to occupation of the building **prior to occupation** of the building and this area shall be utilised for soft landscaping.*

4. *The number of staff operating from the premises will be limited to five (5) people, including lending agents, at any one time.*

5. *The rear entry door to the building shall remain locked at all times, with key access only provided to permanent employees of the business operating from the premises in order to maintain security and minimize visitor parking in Haig Street.*

6. *Lockable gates, opening into the site, along the rear boundary shall be provided to secure the site at night. Details demonstrating compliance with the above requirements shall be submitted **prior to the issue of the construction certificate.***

7. *The privacy screening on the eastern and western elevations of the first floor rear terrace shall be to a height of 1.5m, with louvred shutters fixed at an angle to restrict the angle of viewing to the private open space/windows of the adjacent properties and shall be constructed either from painted timber or powder-coated metal. The privacy screens shall continue around to the rear (southern elevation) of the terrace for a length of 1.2m from both its eastern and western sides to further reduce overlooking of private open space. Details demonstrating compliance with the above requirements shall be submitted **prior to the issue of the construction certificate.***

8. *Colours of the external surfaces to the building shall be in accordance with the*

submitted schedule of external colours received by Council on the 15th April, 2003, in order to maintain the integrity and amenity of the building and the streetscape.

9. *The roof of the first floor addition shall be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment*
10. *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.*
11. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning and Environment, **prior to the commencement of works.***
12. *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.*
13. *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.*
14. *All new plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
15. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
16. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
17. *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.*
18. *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.*

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

19. *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.*
20. *Buildings in which there is a change of building use must comply with the category 1*

fire safety provisions applicable to the proposed new use, in accordance with clause 93 of the Environmental Planning and Assessment Regulation 2000, unless an exemption is in force under clause 187 or 188 of the Regulation.

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:

21. *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.*
22. *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.*
23. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

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

24. *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.*
25. *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.***
26. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*
27. *The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).*
28. *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*

29. *Documentary evidence of the building inspections carried out and compliance with Council's approval is to be maintained by the Principal Certifying Authority.*
30. *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.*
31. *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.*
32. *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.*
33. *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.*
34. *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.*
35. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
36. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
37. *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.*
38. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*
39. *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) *On completion of the erection of the building verifying the building has been constructed at the approved levels.*
- 40. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
- 41. *A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like. Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.*
- 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. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

- 44. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
- 45. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

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

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

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

47. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*
48. *Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment **prior to commencement of works.***
49. *The finished ground level for any new work outside of the building is required to be a minimum of:*

*150mm below the internal floor level of the building, or,
100mm below the internal floor level of the building in sandy, well drained areas,
or,
50mm below the internal floor level of the building where an external paved area or slab is provided adjacent to the building, which is graded not less than 50mm over the first 1m away from the building,*

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

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

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

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

a) all of the premises adjoining the subject site

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

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

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

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

a) \$1000.00 - Vehicular crossing deposit

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

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

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

a) *Reconstruct/extend the existing layback and construct a new concrete vehicular crossing opposite the vehicular entrance to the site. It is noted that this will involve removal the illegal garden area located on the verge.*

55. *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.*

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

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

57. *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:

20 mm above the back of the existing footpath at all points opposite the footpath, along the full site frontage.

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

58. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
59. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$68.20 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

60. *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.*
61. *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.*

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

62. *The garbage storage area shall be sized to contain a total of 3 x 240 litre bins (2 garbage bins & 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.*

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

63. *The landscaped areas shown on the plan number ID.DA.500 DA-S2, amendment C, dated April 2003 and as amended by Condition Nos. 3 and 66 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

- a) *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed, 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 trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
- b) *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.*

A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.

- c). *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d) *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e) *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f) *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*

64. *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.*

65. *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.

Tree Management

66. *Approval is granted for the removal of the following trees subject to the planting of 4*

x 100 litre broad canopied replacement tree (not palm) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.

- a) *Four (4) specimens of Olea europaea (Common Olive) located within the rear yard on both the eastern and western sides*
 - b) *Two (2) specimens of Olea Africana (African Olive) located within the rear yard.*
67. *The applicant shall be required to ensure the retention and long-term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*
68. *A refundable deposit in the form of cash or cheque, for the amount of \$3,000.00 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.*

The following conditions are applied to ensure adequate environmental protection.

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

Advisory Matters

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

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

Advisory Conditions

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

PROCEDURAL MOTION: (Matson/Greenwood) that Council obtain legal advice as to whether or not Clause 35 of the L.E.P nominates the Regulations to the Act referring to the possibility of expanding and intensifying existing use rights. **LOST.**

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

8.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 33/2003 - 89-91 BOYCE ROAD, MAROUBRA. (D/0606/1999)

116 **RESOLUTION: (Andrews/White) that:**

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

1. That Conditions Nos. 1 and 16 be amended to read:

1. *The development must be implemented substantially in accordance with the development consent dated 19 November 1996, as amended by the Section 102 application received on 2 May 1997 and the additional material received on 17 July 1997 and fax dated 24 July 1997, and further amended by the Section 96 application and the accompanying plans with Sheet Nos. A11 to A19 – Issue A dated as received by Council on 4 May 2001 and further amended by the Section 96 application and the accompanying plans with Sheet No. A11-D dated as received by Council on 24 October 2002 and Sheet Nos. A12-E, A13-C, A14-C, A15-C, A17-C dated as received by Council on 17 October 2002 except as may be superseded by Revision B of plans numbered CC-201 to CC-204, CC-601 and CC-602, stamped received by Council on 11 April 2003 and Revision A of drawings numbered CC-205 to CC-208 and CC-603 stamped received by Council*

on 17 March 2003 and drawn by PTI Architects, except as amended by the following conditions:

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

16. *In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$75,386.22. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$33,332.68. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of townscape improvements in the Maroubra Junction town centre for an amount of \$2,975.40. This amount shall be paid by cash or bank cheque prior to the to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

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

3. That the following additional conditions be imposed:

120. *The column and kerbing proposed to the ground floor entry to the carparking are to be deleted so that the widened driveway has a clear internal span. This condition is imposed to ensure adequate area for vehicle manoeuvring is maintained. Details required by this condition are to be included in the plans submitted with the Construction Certificate application.*
121. *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.*

MOTION: (Andrews/White) SEE RESOLUTION.

**8.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
34/2003 - 17 WOONAH STREET, LITTLE BAY. (D/1138/2002)**

117 **RESOLUTION: (White/Daley)** that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.1138/02 for permission to demolish the existing dwelling and erect a new two storey brick veneer tile roof dwelling at 17 Woonah Street Little Bay, subject to the following conditions:

1 The development must be implemented substantially in accordance with the plans numbered 703709, sheets 1-17, dated 23rd September 2002 and received by Council on the 3rd December 2002, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

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

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

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

4 The 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.

5 Landscaping shall be provided to the site to reduce the impact of the development upon the amenity of the environment and a landscape plan shall be submitted to and approved by the Director of Planning & Environment, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to the commencement of any works.**

6 The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.

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

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

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

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

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

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

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

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

- 11 *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.*
- 12 *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

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

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

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

- 13 *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.***
- 14 *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.*
- 15 *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.*
- 16 *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.*
- 17 *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.

- 18 *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*

- 19 *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the*

Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:

- (a) Prior to construction of the 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.*
- 20 *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
- 21 *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*
- In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations*
- 22 *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
- 23 *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
- 24 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
- 25 *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.*
- 26 *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".*

27 *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement of demolition, excavation or building works**. The site management plan must include the following measures, as applicable to the type of development:*

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

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

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

28 *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.

29 *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.*

30 *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire

fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

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

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

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

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

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

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

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

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

a) \$700.00 - Vehicular crossing deposit

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

Traffic conditions/Civil Works Conditions

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

- 33 *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's requirements.*
- 34 *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.*
- 35 *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

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

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

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

- 37 *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 38 *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$268.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

- 39 *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.*

- 40 *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.*

Drainage Conditions

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

- 41 *Should a pump out system be adopted, all pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

All site stormwater which is discharged into an infiltration/absorption tank and/or discharged from the site via a private drainage easement, must be taken through a sediment/silt arrester pit. 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.

Landscape Conditions

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

- 42 *That part of the naturestrip upon Council's footway which is damaged during the*

construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.

- 43 *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
- 44 *In order to visually 'soften' the expanses of hard pavement, brick unit pavers (or similar) shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

Tree Management

- 45 *Approval is granted for the removal of the following trees subject to the planting of 1 x 100 litre and 1 x 75 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 specimen of Archontophoenix species (Bangalow) located towards the rear of the site.*
 - b) *One specimen of Araucaria heterophylla (Norfolk Island Pine) located towards the front of the site.*
- 46 *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

Advisory Conditions

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

MOTION: (White/Daley) SEE RESOLUTION.

8.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 35/2003 - 178-182 MARINE PARADE, MAROUBRA. (D/0974/2002)

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

- A. *the Council support the objection under State Environmental Planning Policy No.1 (SEPP No.1) in respect to the non-compliance with Clause 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to floor space and height) on the grounds*

that the proposed development complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality as follows, and that Planning NSW be advised accordingly:

- B.** *the 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.974/2002 for the redevelopment of the existing Maroubra Bay Hotel to include a new residential development which includes a total of 50 new dwellings, 3 new ground floor retail tenancies and the expansion of the Hotel and associated car parking at No.178-182 Marine 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 of Planning and Community Development:

1. ***The applicant shall submit for approval, and have approved, a landscape design and associated documentation for the Marine Parade and McKeon Street frontages of the development in accordance with Council's Design Guidelines for the Maroubra Beach Upgrade. The landscape design shall include pavements, seat installations, bins, landscaping and tree grates as required by Council's Landscape Architect (9399 0786).***

The landscape designs shall include the following information, (as a minimum):

- ***Proposed step and footpath design, (including provision for disabled access), along the Marine Parade and McKeon Street frontages, (with levels to AHD). Handrails shall be shown where appropriate, (stainless steel handrails).***
- *Driveway location for the carpark entrance*
- ***The proposed kerb design/redesign along the Marine Parade & McKeon St site frontage (showing top of kerb levels to AHD).***
- *Location, size and type of garden beds, tree grates/trees, bus shelters, litter bins, lighting.*
- ***Proposed point of discharge of development site stormwater from the silt arrestor pits to Council's kerb and gutter showing AHD levels.***
- ***The proposed location of regupol paving (or similar) along the McKeon St frontage as required to make provision for keg deliveries to the Hotel and relevant loading zone signposting for brewery trucks.***

Approximate costing for the proposed works along the both the Marine Parade & McKeon St frontages.

2. *The applicant shall either raise the floor level of the proposed hotel extension to RL 6.65 metres AHD or alternatively all openings leading to the hotel extension shall be suitably protected from stormwater inundation up to a level of 6.65metres AHD. Amended details demonstrating compliance with this requirement shall be submitted to Council.*
3. *A detailed sample board of the proposed colour, texture, style, size and type of finish of the materials to be used on the exterior of the proposed new building work*

(including paint schemes) and for the existing Hotel and shall be submitted to Council. Details of the façade treatment and detailing of the existing Hotel shall be provided.

4. *The colours, materials and finishes of the external surfaces to the building should be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council's Director of Planning and Community Development. The materials chosen should reflect the nature of the area and should consider durability and longevity since the area is prone to harsh coastal conditions. The exposed nature of the site should incorporate materials and colours that are hard wearing and durable.*
5. *The applicant shall either submit to Council suitable documentary evidence that the owners of the land adjacent to the development site containing the two (2) Coprosma repens (Mirror Bushes) have given their consent to the removal of the subject trees or alternatively redesign a portion of the development to ensure the long term health and stability of the trees.*
6. *The applicant shall submit to Council for approval, and have approved, an amended detail for the proposed loading bay and the affected section of internal driveway as required to make adequate provision for a medium sized rigid truck to enter/exit the proposed loading bay. The height clearance at all points along the swept path for the medium rigid truck shall be a minimum of 3.6metres.*
7. *The upper level units shall include some form of interior or exterior retractable awnings to act as a shading device and method of protection from the elements. If exterior awnings are proposed these should not extend further than 1.5m from the outer wall. Details shall be submitted to the satisfaction of the Director of Planning and Community Development.*
8. *Privacy screening proposed to all balconies of residential units shall be constructed of light weight louvred materials and shall be fixed. Screening to the southern side of balconies to dwellings No.s G05, 413 and 423 are to be constructed of opaque, glazed or translucent materials so as not to detract from the openness of the octagonal section of the hotel's northern elevation. Details shall be submitted to the satisfaction of the Director of Planning and Community Development.*
9. *The proposed roof materials are to have a finish which will minimise reflection and to be sympathetic and compatible with the building and surrounding environment. Details shall be submitted to the satisfaction of Council.*

Development Consent Conditions

Subject to the compliance with the deferred commencement condition, to the satisfaction of the Director of Planning and Community Services, development consent is granted under section 80 and 80A of the Environmental Planning and Assessment Act 1979 and as amended subject to the following conditions:

REFERENCED PLANS

1. *The development must be implemented substantially in accordance with the plans numbered AR DA 0-01, 2-01, 2-02, 2-03, 2-04, 2-05, 2-06, 2-07, 2-08, 2-09, 5-01, 5-*

02, 5-03, 5-04, 5-10, 5-11, 6-01, 6-02, dated 10 October 2002, and the Shadow diagrams dated 11/10/02, Statement of Heritage Impact prepared by Otto Cserhalmi and partners dated October 2002, Traffic Report prepared by Colston Budd Hunt and Kafes dated October 2002, Landscape plans prepared by Oculus and dated October 2002 and the Statement of Environmental Effects dated October 2002 and received by Council on 14 October 2002 and as amended by the plans submitted on the 29 January 2003 and further details submitted on the 28 March 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:

ENVIRONMENTAL AMENITY

2. *Details of any proposed ground floor awning (materials, height, size and colour) above the existing Hotel, and above the retail tenancies along Marine Parade and new portion of the hotel along McKeon Street are to be provided to the satisfaction of Council's Heritage Officer prior to the lodgement of the Construction Certificate. The awning above the existing Hotel should reflect the original awning structure and any new awnings should compliment this one in terms of design, colours and scale. The size of all awnings shall also be provided.*
3. *Access to the communal landscaped courtyard at the rear shall only be utilised by the owners, tenants and their visitors of the residential units. People using the hotel or retail tenancies are not to be given access to this space. Signage should be incorporated within the development to delineate private and public areas. Details of the location of all internal signage shall be submitted prior to the lodgement of the Construction certificate and shall be to the satisfaction of the Director of Planning and Community Services.*
4. *The exit/accessway at the rear of the new hotel leading to the car park and loading dock shall only be used in emergencies and for deliveries.*
5. *All entries and exits into and through to the residential components of the development shall only be accessed via a security intercom system. Plans providing details of the location and type of security systems to be installed for;*
 - *Residential entries*
 - *Lifts*
 - *Retail shops*
 - *Hotel*

shall be submitted prior to the lodgement of the Construction Certificate and shall be to the satisfaction of the Director of Planning and Community Development.

6. *Any proposed entertainment activities in conjunction with the Hotel use will require a separate development application.*
7. *All proposed new balcony railings shall be constructed of glass.*

8. *Any proposed awnings to the residential units shall not project over the public roadway or footpath.*
9. *All new doors and windows to the residential development including openings to the retail areas and hotel shall be double glazed to minimise noise penetration.*
10. *If bi-fold or sliding doors are proposed to the hotel component these shall be closed at 10pm daily and shall not be opened earlier than 9am.*
11. *The overall height of the building must not exceed RL 21.55 and the internal floor to ceiling levels of the new residential sections shall not exceed 2.7m.*
12. *The floor space ratio of the whole development (including the floor space of the Hotel) shall not exceed 2.85:1 and documentary evidence of compliance, prepared by a registered surveyor is required to be submitted to the principal certify authority prior to a **construction certificate being issued.***
13. *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.*
14. *All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
15. *Street numbering and any signs relating to the name of the development and Hotel must be provided to the premises in a prominent position, preferably above the entry and shall be to the satisfaction of Council. Details of the type, size and location of the identification signs shall be submitted to Council prior to the lodgement of the Construction certificate. Access to and from the car parking area and location of the loading dock should be clearly marked. Any proposed advertising signs will require separate development consent.*
16. *Any proposed enclosure of balconies will require separate development consent.*
17. *Power supply and telecommunications cabling to the development shall be underground.*
18. *All existing outbuildings on the site must be demolished and removed in conjunction with the development.*
19. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.. All windows and glass doors to the development (including those to the retail and hotel components) shall be installed to include double glazing in order to minimise noise distribution and contain noise internally. 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.***
20. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

21. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
22. *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.*
23. *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.*
24. *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.

25. *A separate development application will require to be lodged for the subdivision of the property.*
26. *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, please refer to the “Your Business” section of Sydney Water’s web site www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

Following application, a “Notice of Requirements” will be provided, 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.*

CONSERVATION/HERITAGE:

The following conditions are applied to maintain the heritage significance and amenity of the premises and locality:

27. *A detailed Conservation Plan (outlining the short and long term proposed conservation and restoration works) must be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology*

*outlined in J.S. Kerr's The Conservation Plan. This Plan must be prepared by a suitably qualified and experienced architect. The Plan must be submitted and approved by the Director of Planning and Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, **prior to the lodgement of the construction certificate and shall be to the satisfaction of the Director of Planning and Community Development.***

28. *A costed maintenance plan and schedule of the work relating to the conservation restoration works outlined in the Conservation Plan shall be submitted to the satisfaction of the Director of Planning and Community Development prior to the lodgement of the Construction Certificate. This plan should also be provided as part of the contract for the sale of the development.*

The conservation policies and maintenance program outlined in the approved Conservation Plan must be adopted and the recommendation implemented.

An architect qualified and experienced in heritage conservation must oversee the implementation of the approved Conservation Plan on an ongoing basis.

29. *Three (3) copies of an archival recording of the property must be prepared and be submitted to, and approved by the Director of Planning and Community Development, 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.** This recording must be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Officer.*
30. *A positive covenant shall be created under Section 88E of the Conveyancing Act to ensure that a specific sinking fund is established and allocated for the renovation and future building works associated with the Hotel. These are to be in accordance with the proposed Conservation Plan and Maintenance Schedule. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be submitted for Council's approval prior to the issue of a construction certificate.*
31. *Vehicular access to the residential, commercial and hotel car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.*

SECTION 94:

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

32. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council:*
- | | | |
|-----------|---|--------------------|
| <i>a)</i> | <i>for the provision or improvement of open space</i> | <i>\$75,044.71</i> |
| <i>b)</i> | <i>for the provision or improvement of community facilities</i> | <i>\$33,181.74</i> |
| <i>c)</i> | <i>for townscape improvements</i> | <i>\$14,180.00</i> |
| <i>d)</i> | <i>Administration fee</i> | <i>\$ 425.00</i> |

*The contribution must be paid in cash or by bank cheque **prior to***

*a) **the lodgement of a construction certificate.***

*for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00.** Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

The following group of conditions have been applied to ensure that adequate provisions are made for vehicular access, parking and public infrastructure:

33. *All crossings, repairs and ancillary works on the footway and roadway are to be carried out by the Council and the cost borne by the applicant.*
34. *All crossings, repairs and ancillary works on the footway and roadway are to be carried out by the Council and the cost borne by the applicant. A statement, prepared by the applicant or owner of the premises is to be obtained and submitted to the Council, detailing the condition and status of the roadway, footway, vehicular crossings, nature strip and public place adjacent to the premises, **prior to the commencement of any works on the site and also upon completion of the works.***

*The statement is to include details of any existing damage to the roadway, footway, vehicular crossing, nature strip or public place **prior to the commencement** of works and details of any damage caused to the roadway, footway, vehicular crossings, nature strip or public place, as a result of the works or any associated building activities, for assessment and determination by Council.*

35. *The car parking proposed shall be configured and spaces and areas shall be clearly marked in accordance with the following allocation:*
- (a) A minimum of 4 spaces shall be allocated to the retail tenancies*
 - (b) A minimum of 14 spaces shall be designated as visitor car parking and shall be clearly marked and located adjacent to the entry to the basement.*
 - (c) A minimum of 1 disabled car parking space shall be provided and sited adjacent to the entry to the basement or alternatively near an accessway providing access to the hotel, retail and residential areas for a disabled person.*
 - (d) A minimum of 4 spaces should be allocated to the hotel use.*
 - (e) The remaining spaces (approx 64) shall be allocated to the residential units.*

Details of compliance shall be submitted to the satisfaction of the Director of Planning and Community Development prior to the lodgement of the Construction Certificate.

36. *The gradient of the vehicular access driveway must be designed and constructed to match the issued alignment levels at the property boundary.*
37. *Levels of driveways, pathways, fences and any other construction works on or near the street alignment must be designed to match the design alignment levels as designated by the Council's Director of Asset and Infrastructure Services, details of*

which are available from Council upon request.

38. *A public utility assessment shall be carried out on all public utility services on the site, roadway, nature strip, footpath and any public place associated with and/or adjacent to the development/building works and documentary evidence from the relevant public utility authorities confirming that their requirements are able to be satisfied, as applicable, shall be submitted to the certifying authority **prior to the commencement of any demolition, excavation or building works.***

39. *A survey certificate or other documentary evidence, prepared by a Registered Surveyor or the Certifying Authority, is to be obtained prior to pouring concrete to the a) ground floor slab, b) car parking level floor slab, verifying that the building is being constructed in accordance with the Council issued alignment levels at the property boundary and relevant conditions of consent.*

The survey certificate or other documentary evidence 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.

40. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit and details are to be included in the **construction certificate details** for the development.*

41. *Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.*

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

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

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

43. *Site seepage, is to be drained and connected directly into the stormwater disposal system or connected to a suitably designed absorption system. Site seepage is not to be discharged to the street gutter.*

*Details of any proposed works to be carried out to Council's drainage system or within the road reserve / footway are to be submitted to and approved by Council's Director of Assets and Infrastructure **prior to commencement of works.***

44. *Design calculations prepared by a suitably qualified professional engineer, are to be submitted to and approved by the certifying authority for the stormwater drains and gutters **prior to the commencement of works**, detailing the adequacy of the stormwater disposal system and compliance with the provisions of the Building Code of Australia.*

Security Deposit Conditions

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

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

a) \$5000.00 - Security damage deposit

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

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

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

a) \$5000.00 - Vehicular crossing deposit

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

Traffic conditions/Civil Works Conditions

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

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

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

b) *Reconstruct the McKeon Street and Marine Parade site frontages, (footpaths, kerb and gutter and roadworks), in accordance with the Council approved landscape/streetscape design plans and Council's Urban Design Guidelines for Maroubra Beach.*

48. *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.*

49. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
50. *A work zone is to be provided in McKeon Street. The 'workzone' shall have a minimum length of 12 metres and the prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of building works.*
51. *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 or suitably set back from the street alignment 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 Council prior to the release of the construction certificate showing compliance with this condition.*
52. *The entrance to the basement carpark is to be suitably signposted stating that the loading dock is only designed to cater for trucks up to the size of a medium rigid truck. The signage should also indicate the maximum clearance of 3.6metres. Details of the signage shall be submitted for approval with the construction certificate application.*
53. *The aisle widths, internal circulation, ramp widths and grades of the carpark are to generally conform to the Roads & Traffic Authority (RTA) guidelines, Australian Standard AS 2980.1 –1993 and Council's Development Control Plan - Parking. Details of compliance are to be shown on the relevant plans and specifications for the construction certificate, and are required to be submitted to and approved by the Council or an accredited certifier, prior to a construction certificate being issued for the proposed development.*
54. *Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and have approved, longitudinal sections along the extremities and the centreline of each internal driveway/access ramp at a scale of 1:20. Each section shall indicate compliance with Council's issued alignment levels. Vehicular access driveways are to be designed in general accordance with Council's Development Control Plan – Parking and the relevant sections of AS 2890.1-1993.*

Alignment Level Conditions

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

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

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

56. *The alignment level along the Marine Parade frontage shall be issued by Council following submission to, and approval by Council of the Marine Parade frontage landscape design. The construction certificate plans shall show the approved alignment levels.*
57. *The alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,520.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

58. *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.*
59. *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.*
60. *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.*
61. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
62. *The applicant shall meet the full cost for the overhead power lines located in McKeon Street, (fronting the development site), to be relaid underground. The works shall be in accordance with Energy Australia requirements and the cost of removing any redundant poles shall be met by the applicant. The undergrounding of the power lines shall be undertaken prior to any footpath construction works in either Marine Parade or McKeon Street.*
63. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer

extensions to be built and charges paid. Please make early contact with the Coordinator, since 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 the Construction Certificate being issued.

Drainage Conditions

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

64. *All new habitable/retail/commercial floor areas, storage and service areas, (excluding those in the lower carpark levels) and any new openings shall be constructed at or above RL 6.65 metres AHD. This condition is required to minimise the potential for storm water inundation of the site during major storm events. The construction certificate plans shall demonstrate compliance with this condition.*
65. *The internal driveway shall be constructed with a high point at or above RL 6.5 metres and in such a manner as to minimise the potential for stormwater inundation of the basement carpark level. This condition is required to minimise the potential for storm water inundation of the site during major storm events. The construction certificate plans shall demonstrate compliance with this condition.*
66. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*

- i. *Roof areas*
- ii. *Paved areas*
- iii. *Grassed areas*
- iv. *Garden areas*

67. *All site stormwater shall be discharged via a sediment/silt arrestor pit to Council's underground drainage system at the front of the site in Marine Parade. It is noted that the silt arrestor pit shall be located in an open area near the property boundary where overflow can be directed to Council's kerb and gutter.*
68. *The loading zone area of the carpark shall be clearly marked and signposted to identify the 1 in 100 year flood level (RL 6.35 AHD). Details of the proposed markings and signposting shall be submitted for approval with the construction certificate application.*
69. *Prior to the issuing of an occupation certificate the applicant shall create a restriction on use over the proposed loading dock; such restriction shall indicate that there shall be no storage of goods or provision of services below RL 6.65 metres AHD.*
70. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
71. *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 wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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.

72. *A sediment/silt arrestor pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system.*

The sediment/silt arrestor 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.*

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

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

74. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*
75. *An internal stormwater drainage work-as-executed plan prepared and signed by the hydraulic engineer, 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. The work-as-executed plan must include the following information:*
- a) *location of pipes*
 - b) *pipe diameter*
 - c) *gradient*
 - d) *pipe material ie PVC or EW etc*
76. *As the above site may be present within a fluctuating water table and or groundwater the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the*

certification is to be forwarded to Council.

Notes:-

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

Waste Management Conditions

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

77. *The residential garbage room areas will have to be designed so as to be able to contain a total of 50 x 240 litre bins (25 garbage bins or equivalent & 25 recycle bins) whilst providing satisfactory access to these bins. An alternate waste disposal proposal for the standard 240 litre garbage bins can be submitted/considered subject to the applicant demonstrating that the proposal has an equivalent capacity to the 25 garbage bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
78. *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.*
79. *The retail component of the development is to have a separate garbage area/s to the residential portion of the development.*
80. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial/retail components of the development site.*

Landscape Conditions

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

81. *The landscaped areas shown on the plan number LA DA 01 dated October 2002 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), 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, 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 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. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. **A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.***
 - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species.*
 - i. Location of easements within the site and upon adjacent sites (if any).*
- 82. 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.

83. *All 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 \$4,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the McKeon Street and Marine Parade site frontages.

84. *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.

85. *Any substation required shall be located within the development site and screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

Tree Management

86. *The applicant shall submit a total payment of \$1,780.00 to Council being the cost for Council to supply and install 5 x 100 litre street trees at the completion of all works.*

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

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

87. *Approval is granted for the removal of the following trees subject to the planting of 6 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. *Ten (10) trees numbered 3-12 on the External Detail Survey plan, drawing no. 1100560003, rev 01.*

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

89. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$10,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

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

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

The security shall be provided by way of a monetary deposit with the Council and a request for a refund of the security deposit is to be made in writing upon finalisation of the works.

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:

90. *The proposed residential use of the building 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.

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

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

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

93. *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.*
94. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

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

95. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate.***
96. *The footpath within and adjacent to the outdoor seating area must be maintained in a clean condition, free from grease, foodstuffs, litter and waste materials at all times.*

The footpath must be cleaned thoroughly on a regular basis, in a manner that is environmentally satisfactory and waste receptacles (eg. ash trays) must be provided within the area for customers.

97. *The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:*
98. *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.*
99. *In accordance with clause 93 of the Environmental Planning and Assessment Regulation 2000, the levels of fire safety within any existing building is to be upgraded and the following measures are to be implemented **prior to commencement of the use.***

*Details of the required fire safety upgrading works (ie. plans & specifications) are to be submitted to and approved by Council's Manager of Environmental Health & Building Services **prior to implementation.***

In accordance with clause 168 of the Environmental Planning and Assessment Regulation 2000, the fire safety measures contained in the attached 'fire safety schedule' must be implemented in the building premises and the fire safety schedule forms part of this consent.

The fire safety measures are to be implemented in accordance with the minimum standards of performance as specified in the schedule and the provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 are to be complied with.

*A copy of the fire safety certificate, encompassing all the existing and new fire safety measures, is to be submitted to the Council with the occupation certificate **prior to***

commencement of the building works.

100. *Fire safety notices must be provided to fire-isolated stairways, passageways or ramps in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000, at all times.*

*The fire safety upgrading works are to be included in **the construction certificate** and be implemented prior to occupation of the new building or part.*

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

101. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
102. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

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

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

103. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
104. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, veranda's, fences, retaining walls, swimming pools and driveways etc.) located upon:*

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

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

105. *The installation of ground or rock anchors underneath any adjoining premises*

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

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

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

108. *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.*
109. *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.*
110. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

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

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

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's consent:

- *Sediment control measures.*
- *Provision of perimeter fences or hoardings for public safety and restricted*

- access to building sites.*
- *Maintenance of the public place free from unauthorised materials, sand, soil, debris, waste containers or other obstructions.*
111. *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.*
112. *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.*
113. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
114. *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.*
115. *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.*
116. *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.*
117. *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*

118. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
- (a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - (b) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - (c) *Prior to construction of the ground floor showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - (d) *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.*
119. *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.*
120. *Deliveries are restricted and shall not occur between the following hours;*
- 10.00pm – 7.00am Monday to Saturday (inclusive)*
 - 9.00pm – 8.00am Sundays and Public Holidays*

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

121. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*
122. *Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
123. *Garbage storage enclosures (commercial and residential) are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer. Approval is to be obtained from Sydney Water.*
124. *Washing of vehicles shall be conducted in an approved wash bay, which is covered and bonded to exclude rainwater. All wastewater from vehicle washing must be discharged to sewer under a Trade Waste Agreement from Sydney Water and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***

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

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

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

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

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

The following conditions are applied to ensure adequate environmental protection.

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

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

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

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

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in

accordance with the Home Building Act 1989 and Regulations.

130. *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.*

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

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

132. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*

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

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

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

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

135. *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.*

136. *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".*

137. *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.

138. *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.

139. *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.

140. *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.*

141. *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.*

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.

142. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

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

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

144. *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.*
145. *Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be submitted to and approved by Council's Director of Planning and Environment in accordance with Section 80 A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the development.*

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

146. *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 have been applied to ensure compliance with Local Government Legislation and Policies of Council:

147. *It is a condition of approval to use or permit the use of a building or temporary structure as a Place of Public Entertainment that the provisions of Schedule 1 of the Local Government (Approvals) Regulation 1999 are complied with*
148. *Places of Public Entertainment are to be registered with the Council on an annual basis and the Council's registration/inspection form is to be completed by the proprietor and together with the appropriate fee, is to be forwarded to the Council, **prior to the issuing of an interim or final occupation certificate.***

The following conditions are applied to provide adequate provisions for parking to the development:

149. *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.*
150. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
151. *Public access to the visitors carparking spaces is to be maintained at all times and in this regard, this approval does not include the installation of any roller doors or gates or the like to the carpark, without the prior development consent of Council.*
152. *The hours of the operation of the Hotel only shall be restricted to 8am to 12midnight seven days a week. This condition does not relate to the retail tenancies which will require separate development for their use and hours of operation.*

153. *The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan - Exempt and Complying Development.*
154. *The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.*
155. *All loading and unloading associated with the use or operation of the premises shall be carried out within:*
 - a) *the designated loading dock (apart from the provision of alcohol to the Hotel only which can be carried out along McKeon Street only and between the loading/unloading hours specified for that roadway).*
156. *At no time shall any vehicles associated with the use or operation of the premises be parked on any adjacent or nearby streets, lanes or reserves.*
157. *All tenancies shall be the subject of a separate development application prior to occupation unless otherwise exempt by Council's Development Control Plan – Exempt and Complying Development.*
158. *The use shall be restricted to the area designated on the approved plans.*
159. *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.*
160. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*
161. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*
162. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
163. *Following demolition activities, soil must be tested by a person of suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be furnished to Council and the Principal Certifying Authority **prior to final inspection.***
164. *A coloured "works" as executed fire services plan is to be submitted to Council prior to occupation of the development, detailing the location of all essential fire safety measures installed within the building premises.*

Advisory Matters

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.

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

MOTION: (Andrews/Daley) SEE RESOLUTION.

PROCEDURAL MOTION: (Matson/Notley-Smith) that the application be deferred:

- (a) to set up a community meeting in the Lodge Room at which the applicant will be invited to make a presentation to the community and the Council;
- (b) to allow the applicant to present, if so willing, a proposal to reduce the height of the non-conforming section along McKeon Street to a conforming height by the removal or amendment of top floor units; and
- (c) to address the issue of the landscaping of the area around McKeon Street and Marine Parade. **LOST.**

A division was called for by Crs Matson and Greenwood on the result of voting on the Procedural Motion. Voting was as follows:-

For	Against
Cr Greenwood	Cr Andrews
Cr Matson	Cr Backes
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

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

8.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 36/2003 - 240-266 ANZAC PARADE & 101-105 DONCASTER AVENUE, KENSINGTON. (D/0897/2002)

119 **RESOLUTION: (Procopiadis/Daley)** that Council accept in principle the recommendations contained in the Director Planning & Community Development's Report 36/2003 and that Council delegate to its Director Planning & Community Development the determination of the subject Development Application upon adoption by Council of proposed and exhibited Amendment No. 1 to the Randwick Section 94 Contributions Plan substantially in accordance with the recommendations contained in that report.

MOTION: (Procopiadis/Daley) SEE RESOLUTION.

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

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

**8.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
37/2003 - DELEGATIONS OF AUTHORITY - SECTION 96 APPLICATIONS.
(98/S/1238 & 98/S/0911)**

120 **RESOLUTION: (Daley/White)** that:

A. Council amend the Delegation of Authority Policy No. 2.01.04 in the following manner:

**RP 066 - PLANNING CONTROL- SECTION 96 APPLICATIONS MODIFICATIONS
OF CONSENTS**

"To determine applications for modification of development consents under Section 96 of the Environmental Planning & Assessment Act, 1979, as amended:

- (i) where the application is made under S.96 (1) and/or S.96(1A) of the E.P. & A. Act, 1979, as amended;*
- (ii) where the application is made under S.96 (2) and the original consent was granted under delegated authority; and*
- (iii) where there have been no objections to the original development application and to the S.96 (2) application for the modification of that consent where the cost of the development is over \$2m."*

B. Council approve the amended delegation to the General Manager; and

C. the policy register be updated accordingly.

MOTION: (Daley/White) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that the reference to S.96 (1A) be deleted from Clause A (i) of the recommendation. **LOST.**

**8.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
38/2003 - PRINCE HENRY HOSPITAL AMENDED MASTER PLAN.
(98/S/3189)**

121 **RESOLUTION: (Daley/White)** that:

1. Council adopt volumes 2 and 3 of the amended Master Plan, dated February 2003, as the Master Plan (May 2003) for the former Prince Henry Hospital Site in accordance with variations made in attachment 1, subject to a further variation which provides for a community facility (Building 40) of a minimum of 2500m² gross floor area;
2. Council resolve that the Master Plan (May 2003) be adopted for 5 years from the date of its adoption being 27 May 2003;
3. Council require that the applicant amend the Master Plan in accordance with schedule of variations detailed in attachment 1, which will be confirmed by Council in a letter of advice to Landcom. The amended Master Plan including Council variations is to be submitted to Council **within three months** from the date of its adoption being 27 May 2003;
4. Council reaffirm its resolution to prepare Randwick Local Environmental Plan amendment No. 28, under the relevant provisions of the EPA Act, in accordance with the amended Master Plan as varied by Council, to give effect to the Master Plan (May 2003) provisions and remove any zoning anomaly arising from the adoption of this Master Plan and to implement the land-use and planning controls of the Master Plan;
5. Council reaffirm its position to prepare and exhibit a site specific DCP to facilitate the development envisaged in the Master Plan;
6. Council reaffirm its previous resolution to rezone the remainder of the Prince Henry Hospital Site (the land not subject to this Master Plan) to Public Open Space Zone 6A and make provision for a publicly accessible future coastal walkway when the current licence for the golf course lapses or earlier if negotiations allow;
7. Council advise Landcom to discuss with Council issues relating to specifications and requirements for infrastructure prior to the preparation of detailed design for infrastructure. Council will not accept the dedication of any assets or infrastructure that have not been constructed/reconstructed to Council's design standards or specifications. The applicant is advised that Council's position on this matter is that many of the existing roads and much of the associated infrastructure are not considered acceptable for dedication to Council; and
8. Council give delegations to the Director of Planning and Community Development to correct any errors and misdescription contained in the report attachments.

MOTION: (Daley/White) SEE RESOLUTION.

(Crs Matson & Greenwood requested that their names be recorded as opposed to the resolution.)

9. PETITIONS.

9.1 PETITION SUBMITTED BY CR MATTHEWS ON BEHALF OF RESIDENTS SUPPORTING A COUNCIL FUNDED COMBINED COMMUNITY CENTRE/BOXING-MARTIAL ARTS GYMNASIUM AT LEXINGTON PLACE, MAROUBRA. (P/014110)

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

MOTION: (Matthews/Schick) SEE RESOLUTION.

10. MOTIONS PURSUANT TO NOTICE.

10.1 By Councillor Matthews – Des Renford Aquatic Centre – Mr Healy Holt. (98/S/2852 xr 98/S/0178)

(This motion was withdrawn by Cr Matthews with the consent of the Council.)

10.2 By Councillor Matthews – Reports from General Manager. (98/S/1733 xr 98/S/0178)

MOTION: (Matthews/Matson) that when Councillors request a full detailed report from the General Manager, Mr Gordon Messiter, such be provided within seven (7) days, not in the form of correspondence issued to other persons. **LOST.**

10.3 By Councillor Matthews – Grant to build a Community Hall in South Maroubra. (P/014110 xr 98/S/0178)

MOTION: (Matthews/Schick) that Council's Planning & Community Development Department report back to Council on the possibility of the Council writing to the Federal Government and the State Government for a grant to build a Community Hall on the land owned by the Council on the corner of Lexington Place, Midway Drive and Minneapolis Crescent, South Maroubra. **LOST.**

10.4 By Councillor Matthews – Crime Prevention in Lexington Place. (98/S/0435 xr 98/S/0178)

123 **RESOLUTION: (Daley/White)** that, with the Crime Prevention Plan designed to tackle criminal and anti-social behaviour in Lexington Place nearing completion, the Mayor be delegated authority to meet with the Premier and Member for Maroubra, the Hon. Bob Carr, to discuss policing and crime prevention at Lexington Place.

MOTION: (Matthews/Schick) that with the crime prevention plan designed to tackle criminal and anti social behaviour in Lexington Place nearing completion, this Council seek the support from the Premier Mr Bob Carr, Member for Maroubra, to have regular police foot patrols at Lexington Place and Council write to the Police Minister, Mr John Watkins, and the Shadow Minister for Police, Mr Peter Debnam for their support on this matter. **LOST.**

AMENDMENT: (Daley/White) SEE RESOLUTION.

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

- 124 **RESOLUTION: (Andrews/Procopiadis)** that Council as a matter of urgency review all parking spaces in Maroubra Junction Commercial District with a view of revising parking zones. Such review should involve consultation with local businesses by way of survey. Further, that this matter be referred to the Traffic Committee for its comments.

MOTION: (Daley/White) SEE RESOLUTION.

10.6 By Councillor Daley – Traffic Control Measures, Fitzgerald Avenue – Netball Courts Heffron Park. (R/0294/02 xr 98/S/0178)

- 125 **RESOLUTION: (Daley/White)** that:

- (a) Council officers prepare, and return to Council as a matter of urgency, a traffic management plan to control parking and traffic problems adjacent to Heffron Park netball fields on Saturday mornings, with respect to Saturday morning netball; and
- (b) Council adopt in principle the provision of a traffic control measure to provide for left turn into and left turn out only, from the netball fields at Heffron Park onto and from Fitzgerald Avenue and that the matter be referred to the Traffic Committee immediately.

MOTION: (Daley/White) SEE RESOLUTION.

10.7 By Councillor Notley-Smith – The Spot, Randwick – Streetscape Works. (R/0707/01 xr 98/S/0178)

- 126 **RESOLUTION: (Notley-Smith/Backes)** that in relation to recently completed works undertaken at The Spot, a report be submitted to the next Council Meeting on the following issues:-

- (a) Contacting Energy Australia and request it immediately remove the old power pole and connect the newly installed lamp post;
- (b) Consulting with stakeholders at The Spot on a more appropriate means of mounting the brass plaque supplied by The Spot Business Association;
- (c) Replacing trees/shrubs recently removed by Council at the request of the STA with a more appropriate species for that location;
- (d) Repairing damaged/vandalised garden beds;
- (e) Investigating the illegal stormwater pipe at the south western corner of the roundabout;
- (f) Attaching to the flag pole the banner supplied by The Spot Business Association;
- (g) Constructing a garden bed on the corner of Soudan Street and Perouse Road;
- (h) Allocating funds for the resurfacing of the western and southern footpaths;
- (i) Installing planter boxes on the western and southern footpaths;
- (j) Installing decorative lighting in the fig tree in St Pauls Street; and
- (k) Consulting with the owner/leasee of the strip of land between the footpath and the Australian Posters signs on a program of improvement/beautification.

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

10.8 By Councillor Matson – Opposition to application to Licensing Court by Beach Palace for a variation to trading hours. (D/0929/2001 xr 98/S/0178)

127 **RESOLUTION: (Daley/White)** that, when Council is formally notified that the Beach Palace Hotel has made application to the Licensing Court to vary its trading hours, Council adopt a position and act accordingly.

MOTION: (Matson/Greenwood) that Council resolves to formerly oppose the application to the Licensing Court by the Beach Palace to vary its trading hours to permit trade until 5.00 a.m. in respect of the ground floor of the premises. **LOST.**

AMENDMENT: (Daley/White) SEE RESOLUTION.

10.9 By Councillor Notley-Smith – Des Renford Aquatic Centre. (98/S/0999 xr 98/S/0178)

MOTION: (Notley-Smith/) that:

- a) this Council supports the establishment of a Committee to consider the establishment of an incorporated association at the Des Renford Aquatic Centre (DRAC). The purpose of the association will be to coordinate squad training. The association will employ its own coaches and lease lanes from the DRAC at commercial rates and reinvest surpluses in the ongoing development and improvement of training programs; and
- b) The committee will comprise current users of the DRAC, Councillors, Council staff and other interested parties. The committee's purpose will be to develop a constitution and set of regulations to ensure the competent and transparent administration of the incorporated association. **LOST.**

A division was called for by Crs Notley-Smith and Matson on the result of voting on the motion. Voting was as follows:-

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

10.10 By Councillor Matson – Call for Submissions for Plastic Bags Levy Senate Inquiry. (98/S/1927 xr 98/S/0178)

128 **RESOLUTION:** (*Matson/Greenwood*) that Council resolves to support the call for a 25cent levy on plastic bags via formal submission to the Inquiry into the Plastic Bag Levy (Assessment and Collection) Bill 2002 and Plastic Bag (Minimisation of Usage) Education Fund Bill 2002.

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

10.11 By Councillor Whitehead – Bowen Library Tennant Rent– Dr Tan. (98/S/1123 xr 98/S/0178

MOTION: (*Whitehead/Matson*) that Randwick City Council:

- a) Accept the approach made by Dr Tan regarding compensation for loss of business, while the pavement outside his premises was boarded up, being approximately equal to the amount Council has informed him is owing on rent, due to a miscalculation by the lessor, and that these amounts of money cancel one another out; and
- b) Disclose the results of the rent review on the premises he uses so that the 10% discount offered by Council for anticipated disturbance to his business, while construction of the new level on the Bowen Library is in progress, can be understood. **LOST.**

10.12 By Councillor Whitehead – Appointment of new General Manager. (98/S/0823 xr 98/S/0178

129 **RESOLUTION:** (*Whitehead/Daley*) that Councillors be informed of current progress in securing a new General Manager for Randwick City.

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

10.13 By Councillor Whitehead – Effectiveness of Bus Shelters in Randwick City. (98/S/3690 xr 98/S/0178

MOTION: (*Whitehead/Matson*) that the effectiveness of JC Decaux bus shelters in places where larger numbers of people seeking bus transport have to wait in all kinds of weather (Note: Urban consolidation has led to increased concentration of commuters in certain parts of Randwick City) be estimated by a survey between 7.45 – 8.30 a.m. on week days under average conditions. **LOST.**

10.14 By Councillor Whitehead – Refurbishment of Fitzpatrick Park. (98/S/1048 xr 98/S/0178)

130 **RESOLUTION:** (*Whitehead/Procopiadis*) that Randwick City Council allocates a realistic sum of money for the refurbishment of Fitzpatrick Park in the 2003-2004 Budget.

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

11. URGENT BUSINESS.

Nil.

12. CONFIDENTIAL REPORTS.

Nil.

13. COMMITTEE-OF-THE-WHOLE.

Nil.

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

Nil.

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 11.10 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 24TH JUNE, 2003.

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CHAIRPERSON