

**MINUTES OF ORDINARY COUNCIL MEETING
COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 26TH AUGUST, 2003 AT 6:09 P.M.**

PRESENT:

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

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

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic (from 8.24 p.m.), T. Seng and A. Andrews (from 6.15 p.m.)

OFFICERS PRESENT:

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

1. COUNCIL PRAYER

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

2. APOLOGIES.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 22ND JULY, 2003.**

- 174 **RESOLUTION:** *(Daley/Backes) that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd July, 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: (Sullivan/Daley) that the meeting be adjourned at 6.10 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. Ms Emma Daniell (Co-ordinator, Randwick Community Organic Garden), Unit 2, 79 Oakley Road, North Bondi, on Item 5.3, Mayoral Minute No. 46/2003, Randwick Community Organic Garden.
2. Mr Michael Gaston, Mezzanine Level, 50 Carrington Street, Sydney, on Item 9.3, Director Planning & Community Development's Report No. 63/2003, 214-238 Anzac Parade & 14 Darling Street, Kensington.
3. Mr John Cox, 61 Prince Edward Park Road, Woronora, on Item 9.4, Director Planning & Community Development's Report No. 64/2003, 53 Helena Street, Randwick.
4. Mr David Lasky, 15 Strickland Street, Rose Bay, on Item 9.4, Director Planning & Community Development's Report No. 64/2003, 53 Helena Street, Randwick.
5. Ms Jacqueline Crombie, 26 Pauling Avenue, Coogee, on Item 9.5, Director Planning & Community Development's Report No. 65/2003, 22A Pauling Avenue, Coogee.
6. Ms Julie Roach, 141 Coogee Bay Road, Coogee, on Item 9.6, Director Planning & Community Development's Report No. 66/2003, 143-147 Coogee Bay Road, Coogee.
7. Mr Nick Turner, Level 1, 586 Crown Street, Surry Hills, on Item 9.6, Director Planning & Community Development's Report 66/2003, 143-147 Coogee Bay Road, Coogee.
8. Ms Jane Badham, 82 Austral Street, Malabar, on Item 9.7, Director Planning & Community Development's Report No. 67/2003, 80 Austral Street, Malabar.
9. Mr Vincent Bell, 80 Austral Street, Malabar, on Item 9.7, Director Planning & Community Development's Report No. 67/2003, 80 Austral Street, Malabar.
10. Mr Peter Israel, Level 2, 414 Kent Street, Sydney, on Item 9.8, Director Planning & Community Development's Report No. 68/2003, 159-171 Anzac Parade & 1 Lorne Avenue, Kensington.
11. Mr Noel Ward, 1 Ravenswood Avenue, Randwick, on Item 11.7, Motion Pursuant to Notice by Councillor Matson, Concern re: Coogee Beach Plan of Management Proposal for Ross Jones Memorial Pool.
12. Mr Warren Lewis (CEO Randwick Rugby Club), 104 Brook Street, Coogee, on Item 11.19, Motion Pursuant to Notice by Councillor Matson, Randwick Rugby Club Adherence to Conditions of Liquor License.

RESOLVED: (Andrews/Daley) that the meeting be adjourned at 7.26 p.m.
The meeting was resumed at 8.24 p.m. with Councillor Bastic in attendance.

5. MAYORAL MINUTES.

5.1 MAYOR'S MINUTE 44/2003 - COOGEE BAY ROAD, COOGEE - PROVISION OF TRAFFIC CONTROL SIGNALS AT BYRON STREET INTERSECTION (R/0197/02 xr R/0143/02)

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

- a) *The RTA be requested to approve and implement, as a matter of urgency, the traffic signal design as presented by Council (Option C), proposing rearrangement of existing signals in Coogee Bay Road at the intersection of Byron Street incorporating signal controls at the whole intersection on the basis that Council's design fully accords with RTA's Traffic Signal Practice - Design Manual as the existing arrangement is hazardous; and*
- b) *Council meet the cost of implementing the necessary work on a 50/50 basis with the RTA.*

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

5.2 MAYOR'S MINUTE 45/2003 - ANZAC PARADE / HAIG STREET / WISE STREET INTERSECTION - PROPOSED INSTALLATION OF TRAFFIC CONTROL SIGNALS. (R/0031/02)

176 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that the Mayor seek the intervention of the Premier and Local Member, the Hon. Bob Carr, for the urgent pedestrian signalisation of Anzac Parade at the intersection of Haig Street and Wise Street crossover.*

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

5.3 MAYOR'S MINUTE 46/2003 - RANDWICK COMMUNITY ORGANIC GARDEN. (98/S/2740)

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

- a) *The Co-ordinator of the Randwick Community Organic Garden be invited to submit a Development Application to Council based on the proposal to use land in Paine Reserve, Kingsford;*
- b) *Council waive fees and charges in relation to the Development Application and this be funded from the Councillors' Bids Vote;;*
- c) *A five year lease be prepared for the use of the land by the Randwick Community Organic Garden;*
- d) *Council agree to set the annual licence fee at the minimum rate, currently \$70;*
- e) *Authority be granted for the Common Seal of the Council to be affixed to the lease agreement between Council and the Randwick Community Organic Garden Inc; and*
- f) *Council waive the fee for initial establishment plants, sourced from the Council nursery, up to a maximum of \$500 and this be funded from the Councillors' Bids Vote.*

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

5.4 MAYOR'S MINUTE 47/2003 - REFORM AND RE-STRUCTURE SUBMISSION. (98/S/0063)

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

- a) *The report attached to the Mayor's Minute No.39 be endorsed by Council as the basis of Council's response to the request for submissions on boundary alterations and structural reform called for by the Minister for Local Government, the Hon. Tony Kelly; and*
- b) *Council delegate to the Mayor the authority to pursue the principles of that Minute and the accompanying report with the New South Wales Government and neighbouring Councils and take whatever steps necessary to ensure the optimum outcome for the residents of Randwick City Council.*

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

PROCEDURAL MOTION: (Bastic/Matson) that Item 11.10 & 11.18 be brought forward and dealt with at this stage of the Meeting in conjunction with Mayoral Minute No. 47/2003.

AMENDMENT: (Matson/Greenwood) that:

- a) The report attached to the Mayor's Minute No.39 be endorsed by Council as the basis of Council's response to the request for submissions on boundary alterations and structural reform called for by the Minister for Local Government, the Hon. Tony Kelly; and
- b) Council will respond to EPA warnings that groundwater contamination exists in the Botany area by producing an urgent report assessing the health and financial implications to the Council should the State Government take up any of the three amalgamation options put forward under Mayoral Minute 39/2003 (Reform and Restructure) **LOST.**

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

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

AMENDMENT: (Further) (Matson/Greenwood) that:

- a) The report attached to the Mayor's Minute No.39 be endorsed by Council as the basis of Council's response to the request for submissions on boundary alterations and

structural reform called for by the Minister for Local Government, the Hon. Tony Kelly; and

- b) This Council calls on the State Government to:
- i) Not to proceed with any structural reform or boundary changes until such proposals are first put to a constitutional referendum of affected residents;
 - ii) Ensure that any referendums required are held on the day of the Local Government elections; and
 - iii) Provide residents with informed debate and genuine public consultation that canvasses arguments for and against structural reform or boundary changes, before any referendums take place. **LOST.**

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

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

(Cr Whitehead requested her name be recorded as opposed to the resolution.)

5.5 MAYORAL MINUTE 48/2003 - INTRODUCTION OF A RAINWATER TANK POLICY FOR RANDWICK COUNCIL. (98/S/2568)

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

- a) *Randwick Council develop a Rainwater Tank Policy requiring all new developments (including residential, commercial, and industrial) to install rainwater tanks or equivalent as part of an integrated total water cycle approach; and*
- b) *The proposed policy require rainwater tanks to be connected for the internal purposes of toilet flushing and clothes washing and then for landscape watering.*

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

5.6 MAYORAL MINUTE 49/2003 - MAYORAL MINUTE 50/2003 - INVITATION TO SUPPORT SOUTH SYDNEY RABBITOHS 2003 RED & GREEN BALL. (98/S/0305)

180 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that the Council accept the invitation of the Chairman of the Red and Green Ball and purchase a table at the event on the 6 September, 2003.

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

5.7 MAYORAL MINUTE 50/2003 - RANDWICK COUNCIL WINS IN THE SUSTAINABLE WATER CHALLENGE. (98/S/2568)

181 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that Council notes the success of Randwick in the Sustainable Water Challenge.

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

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 19/2003 - JUNE 2003 QUARTER REVIEW - 2002-05 MANAGEMENT PLAN. (98/S/0555)

182 **RESOLUTION:** (*Daley/White*) that the information contained in the General Manager's Report on the June Quarter Review – 2002/05 Management Plan be received and noted.

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

6.2 GENERAL MANAGER'S REPORT 20/2003 - AFFIXING OF COUNCIL'S SEAL. (98/S/1698 xr 98/S/2265 xr P/017479 xr P/016646 xr P/015555 xr P/001345 xr P/002127 xr P/007780 xr P/001537)

183 **RESOLUTION:** (*Backes/Andrews*) that authority be granted for the Council's Common Seal to be affixed to:

- a) *The licence agreement between Council as the Trustee of Dunningham Reserve (R82505, R36363, D500218) Reserve Trust and Coogee Life Surf Saving Club Inc for the Kiosk on the Coogee beach promenade;*
- b) *An outdoor seating license between Council and Toni Hamlin (T/As Munchekins Café) for the purpose of outdoor dining at 163 Perry Street, Matraville;*
- c) *An outdoor seating license between Council and Ali Baba Lebanese Cuisine Pty Ltd (T/As Ali Baba's Lebanese Cuisine Maroubra) for the purpose of outdoor dining at 936 Anzac Parade, Maroubra;*
- d) *An outdoor seating license between Council and Phillip Michaelopoulos (T/As Ambrosia On the Spot) for the purpose of outdoor dining at 22 St. Pauls Street, Randwick;*
- e) *An outdoor seating license between Council and Yong Yong (T/As Chicken Out) for the purpose of outdoor dining at 201A Coogee Bay Road, Coogee;*
- f) *An outdoor seating license between Council and Jeff Blackman (T/As Deep Blue Bistro) for the purpose of outdoor dining at 56 Carr Street, Coogee;*
- g) *An outdoor seating license between Council and Jim Papodopoulos (T/As Melonhead) for the purpose of outdoor dining at 256 Coogee Bay Road, Coogee; and*
- h) *The lease agreement between Council and Vincent Xuereb (T/As Eastside Ceramics) for the property known as Shop 3, 669-673 Anzac Parade, Maroubra Junction for a lease period of five (5) years, commencing 16 March 2003 and expiring 15 March*

2008.

MOTION: (Backes/Andrews) SEE RESOLUTION.

6.3 GENERAL MANAGER'S REPORT 21/2003 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION. (98/S/0018)

184 **RESOLUTION: (Bastic/Procopiadis) that:**

1. *Council agrees to accept the NSW Department of Community Services Funding for the interim auspice of the Community Development Worker position, and that Council's Community Development Team continue to support the efforts and activities of the community at La Perouse and play an active role in capacity building of the local community*
2. *That authority be granted for the Council's Common Seal to be affixed to:*
 - a. *Schedule A with the NSW Department of Community Services in respect of funding of a Community Development Officer to be located at La Perouse Primary School for a period of 12 months to a total of \$31,588; and*
 - b. *Schedule A with the NSW Department of Community Services in respect of one-off funding for a Community Development Officer to be located at La Perouse Primary School to a total of \$33,286.*

MOTION: (Bastic/Procopiadis) SEE RESOLUTION

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 42/2003 - AEOLIA STREET, RANDWICK - PROPOSED ROAD CLOSURE. (R/010/00 xr R/0010/02)

185 **RESOLUTION: (Backes/Seng) that the Department of Lands be advised that:-**

- a) *Council notes the Department's decision to refuse the closure of the unnamed lane off Coogee Bay Road shown as Area 2 on Attachment A accompanying the report; and*
- b) *Council requests that the closure of the section of Aeolia Street shown as Area 1 on Attachment A accompanying the report be expedited.*

MOTION: (Backes/Seng) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that pending the successful request for the closure of the section of Aeolia Street shown as Area 1 on Attachment A, the land will be put out to tender. **LOST.**

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 43/2003 - MOTOR VEHICLE COMPULSORY THIRD PARTY INSURANCE (CTP). (98/S/0990)

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

- a) *The tender submitted by Jardine Lloyd Thompson be accepted for a period of three (3) years and that they be notified of Council's intention to participate in the regional insurance tender; and*
- b) *Council's current CTP insurer be advised that its services are no longer required.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 44/2003 - THE SPOT, RANDWICK - STREETScape WORKS. (R/0707/01)

187 **RESOLUTION: (Procopiadis/Bastic) that:**

- a) *The contents of the Director Asset and Infrastructure's Report be received and noted;*
- b) *Consideration be given to the inclusion in the Council's 2004/2005 Management Plan of the following matters for funding:-*
 - (i) *Constructing a garden bed on the corner of Soudan Street and Perouse Road;*
 - (ii) *Allocating funds for the resurfacing of the western and southern footpaths;*
 - (iii) *Installing planter boxes on the western and southern footpaths; and*
 - (iv) *Installing decorative lighting in the fig tree in St Pauls Street.*
- c) *Replacement planting proceed instead of patching footpath paving, adjacent to the JC Decaux bus shelter.*

MOTION: (Backes/Schick) the contents of the Director Asset and Infrastructure's Report be received and noted.

AMENDMENT: (Procopiadis/Bastic) SEE RESOLUTION.

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 45/2003 - PROPOSED ALCOHOL FREE ZONE - SHORT STREET, RANDWICK. (98/S/1285)

188 **RESOLUTION: (Andrews/Procopiadis)** that the Short Street Alcohol Free Zone be established and signposted, with an expiration date of 15th October 2005.

MOTION: (Andrews/Procopiadis) SEE RESOLUTION.

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 46/2003 - ANZAC PARADE ROAD CLOSURE ADJACENT TO PRINCE HENRY HOSPITAL - CONSIDERATION OF OBJECTIONS. (R/0031/01)

189 **RESOLUTION: (White/Andrews)** that the Department of Lands be advised that:

- a) *Council has considered the objections put forward by the La Perouse Precinct Committee and considers that they do not provide sufficient reason to not proceed with the road closure for the reasons detailed in the body of the report; and*

- b) *Council requests that the application for the subject road closure proceed as soon as possible.*

MOTION: (White/Andrews) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that the subject land be offered for sale by public tender. **LOST.**

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

8.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 20/2003 - DELEGATION OF AUTHORITY TO GENERAL MANAGER - LEGISLATIVE REFORM - AMENDMENTS TO THE CRIMINAL PROCEDURE ACT & LOCAL COURTS ACT. (98/S/1238 xr 98/S/4843)

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

- a) *The alterations to the Council's Policy No. 2.01.04, Delegations of Authority, as detailed in the Director Governance, Management and Information Services Report No. 20/2003 be adopted;*
- b) *Pursuant to Section 377 of the Local Government Act, and subject to compliance with all Council policies and lawful directions made by Council or any public authority, Council hereby delegates to the General Manager authority to exercise or perform on behalf of Council all the revised powers, authorities, duties and functions as detailed in the Director's Report 20/2003; and*
- c) *The Policy Register be updated.*

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

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

9.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 61/2003 - PROPOSED DOWN-ZONING OF PROPERTY IN COWPER STREET, RANDWICK. (98/S/1093)

191 **RESOLUTION: (Andrews/Procopiadis) that Council: -**

- a) *Note the outcomes of the survey, and*
- b) *Agree not to pursue any down-zoning of the section of Cowper Street, bounded by Church and Prince Streets.*

MOTION: (Andrews/Procopiadis) SEE RESOLUTION.

9.2 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 62/2003 - USE OF STATE ENVIRONMENTAL PLANNING

POLICY (SEPP) NO.1 IN DEVELOPMENT APPLICATIONS - UPDATE FOR FOURTH QUARTER OF 2002/03 FINANCIAL YEAR. (98/S/3412)

192 **RESOLUTION:** *(Daley/Andrews) that Council receive and note the report.*

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

9.3 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 63/2003 - DEVELOPMENT APPLICATION REPORT - 214-238 ANZAC PARADE AND 14 DARLING STREET, KENSINGTON. (D/0195/2003)

(Note: A Rescission Motion was submitted on this Item prior to the conclusion of the Meeting and will be dealt with at an Extraordinary Council Meeting to be held on 9th September, 2003.)

193 **RESOLUTION:** *(Procopiadis/Bastic) that:*

A. *Council assume the concurrence of the Director of Urban Affairs and Planning to vary the provisions of Clause 42B(4a) of the Randwick Local Environmental Plan 1998 (as amended) relating to Construction of a new mixed use development comprising ground floor retail/commercial (4 units) with five (5) storeys of residential apartments above (67 units) and car parking provided at ground and basement level under State Environmental Planning Policy No. 1*

AND

B. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 195/2003 for Construction of a new mixed use development comprising ground floor retail/commercial (4 units) with five (5) storeys of residential apartments above (67 units) and car parking provided at ground and basement level at 214-238 Anzac Parade and 14 Darling Street, Kensington subject to the following conditions:-*

Deferred Commencement Conditions

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

1. *Advice from the NSW Roads and Traffic Authority (RTA) that no objection is raised to the proposed elevation of the footpath along Anzac Parade required to protect the development from flooding. All requirements from the RTA are to be incorporated as part of the development approval. In the event that the RTA does not agree to the elevated footpath being provided along the Anzac Parade site frontage, the applicant is to submit suitably modified details of the proposal demonstrating that all new habitable and storage areas are suitably waterproofed up to 300mm above the 1 in 100 year flood level and that a high point is provided along the full width of any access point to the basement level that is at least 150mm above the 1 in 100 year flood level. Any proposal is to demonstrate compliance with the Council's standards for disabled access.*

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

Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board), including the tinted glazing proposed, are to be submitted to and approved by Council's Director of Planning and Community Development.
3. *Shading devices are to be provided to the northern elevation within the site boundaries. Details of the proposed sunshading are to be submitted to and approved by Council's Director of Planning and Community Development.*
4. *The recess provided to the Darling Street elevation is to be increased from 200mm to 600mm to ensure adequate articulation and modelling of this façade. Details of the increased recess are to be submitted to and approved by Council's Director of Planning and Community Development.*
5. *A report detailing the proposed method of excavation and dewatering shall be submitted to Council for approval prior to the consent becoming operational. The report shall be in general accordance with the recommendations made in the Hydro Geotechnical report by DF Dickson & Associates Pty Ltd dated 10 March 2003, and shall be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and must include but not limited to:*
 - *The proposed method of shoring/piling and dewatering*
 - *The zone of influence of any possible settlement*
 - *The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)*
 - *Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and requirements of the DSNR are satisfied.*
 - *The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)*
 - *The location of all pumping equipment in relation to the property boundaries*
 - *The proposed method of noise attenuation for all pumping equipment i.e.; so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential dwelling and not to be audible at all between the hours of 10pm and 7am within any residential dwelling*
 - *A statement from suitably qualified and experienced Geotechnical and Hydrological Engineers, with the concurrence of a Structural Engineer, that there will be no detrimental settlement to adjoining or nearby buildings using the chosen method of excavation/dewatering.*
6. *Prior to the consent becoming operational, the applicant shall submit an*

amended flood study (prepared by a suitably qualified hydraulic engineer and reviewed by a Council approved independent consultant), which determines the flood levels in the vicinity of the development site with the proposed elevated footpath being constructed along the Anzac Parade site frontage (as shown on drawing DA02, Issue B, by KannFinch Group, dated 10/3/2003). The amended flood study shall specify the ground floor levels (and driveway high point) required along both the Darling Street and Anzac Parade site frontages to ensure that the proposed development will not be adversely affected by flooding.

Should the required floor levels (and driveway high point) be higher than those specified in the flood study by Toby Fiander and Associates dated 3 June 2003, amended plans showing the floor levels (and driveway high point) being raised to the required new levels shall be submitted to Council for approval.

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

Development Consent Conditions

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

REFERENCED PLANS:

- 1. The development must be implemented substantially in accordance with the Issue D of the plans numbered DA01, DA02, Issue C of the plans numbered DA03-DA17 dated 10.06.03 in the amendments box., drawn by Kann Finch Group and stamped received by Council on 12/06/03, and Revision 02A of the landscape plans LA01 and LA02 dated 28.02.03 in the amendments box, drawn by Taylor Brammer and stamped received by Council on 12 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:*
- 2. The development will require a Water Licence under the Water Act, 1912. The applicant is to apply for a water licence directly to the Department of Sustainable Resources in accordance with the general terms of approval provided at Attachment B.*
- 3. An additional accessible parking space is to be provided at Basement 1 level. This condition is imposed to ensure compliance with Council's DCPs in this regard and provide adequate parking for the accessible units proposed. Details are to be included in the Construction Certificate application.*
- 4. The building must be wholly constructed within the site boundaries, with the exception of the proposed awning and any approved seating podium which may extend into Council's footpath reserve and airspace as indicated on the approved plans. Details required by this condition are to be included with the Construction Certificate application.*

5. *Secured access is to be provided to the residential lobbies of the development and all carparking levels. An intercom system is to be provided at the entry to the carpark and at the entrance to all residential lobbies, allowing for communication between residents and visitors to the development. This condition is imposed to secure access to private areas of the development for the safety of residents.*
6. *The additional landscaping details required by Condition 141 are to include the proposed external lighting schemes throughout the development. The landscape plan is to incorporate current Crime Prevention through Environmental Design (CPTED) principles and is to be duly certified by a qualified CPTED practitioner. This condition is imposed to ensure the safety of residents and visitors to the development. Details required by this condition are to be submitted to and approved by Council's Director of Planning & Environment, prior to a construction certificate being issued for the proposed development.*
7. *A separate Development Application is required to be submitted to and approved by Council with regard to proposed usage of the four retail/ commercial tenancies proposed prior to occupancy. A separate application and licence application will also be required for any proposed footpath dining associated with these tenancies.*
8. *Car Parking is to be allocated as follows:*

Item	Basement Level
<i>Residential</i>	
<i>1 b/r</i>	<i>23 spaces (including 1 accessible space)</i>
<i>2 b/r</i>	<i>40 spaces (19 car stackers + 1 stacked space)</i>
<i>3 b/r</i>	<i>14 spaces (7 car stackers)</i>
<i>Visitor</i>	<i>Nil</i>
Item	Ground Level
<i>Residential</i>	
<i>1 b/r</i>	<i>3 (including 2 accessible spaces)</i>
<i>Visitor</i>	<i>13 spaces (plus 4 loading bay spaces at night to be signposted), including 2 accessible spaces and 6 carwash bays.</i>
<i>Commercial/ Retail</i>	<i>4 spaces (2x tandem provision)</i>

Details of this allocation are to be provided on the plans submitted with the Construction Certificate application. The four car spaces that comprise the daytime loading bay are to be appropriately signposted to allow for visitor parking from 6pm to 6am, 7 days. Details are to be provided on the Construction Certificate application. This condition is imposed to ensure appropriate allocation of car parking spaces within the development.

9. *A separate approval must be sought from Sydney Airports Corporation Ltd (SACL) for any temporary structure and/or equipment planned to be used during the construction.*

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity (51.655 metres above AHD) and consequently, may not be approved under the Airports (Protection of Airspace)

Regulations.

SACL advises that approval to operate construction equipment (ie: cranes) should be obtained prior to any commitment to construct.

Information required by SACL prior to any approval is to include:

- *the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);*
- *the swing circle of any temporary structure/ equipment used during construction;*
- *the maximum height, relative to Australian Height Datum (AHD) of any temporary structure or equipment (ie. construction cranes), intended to be used in the erection of the proposed structure;*
- *the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.*

Any application for approval containing the above information, should be submitted to the Sydney Airports Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

For further information on Height Restrictions please contact Ms Lynne Barrington on (02) 9667 9217.

Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.

The height of the prescribed airspace at the site is 51.0 metres above Australian Height Datum (AHD). Protection of airspace is the policy of SACL, therefore any controlled activity penetrating the prescribed airspace and having been assessed by CASA as a hazardous object, will not be recommended for approval by SACL.

10. *The applicant is advised that removal of groundwater from the site may require a licence from the Environmental Protection Authority (EPA) for discharge of this water. The applicant is to provide evidence that advice has been sought from the EPA with the Construction Certificate application.*

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

11. *In accordance with Council’s Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
- a) *for the provision or improvement of open space*
\$111,158.42
 - b) *for the provision or improvement of community facilities*
\$ 49,149.48
 - c) *for townscape improvements (residential portion)*

- \$254,376.00
- d) for townscape improvements (commercial portion)
\$ 19,092.00
 - e) for car parking (in lieu of on-site provision of seven (7) spaces) \$ 83,741
 - f) Administration fee \$425.00
\$ 425.00

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

*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.*

12. *This approval does not extend to strata subdivision of the completed building. A separate application must be lodged for strata approval.*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency:

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 noted in the construction certificate plans or specifications.*
14. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*
- Details of compliance with the requirements for insulation are to be included in the construction certificate application.*
15. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
16. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
17. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including

*plant species and paved areas are to be included with the **construction certificate** application.*

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

18. *The applicant is to engage an Environment Protection authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use; Health based investigation Level NEHF D criteria. A Site Audit Statement and Summary Site Audit Report is to be submitted to and accepted by Council, prior to the issuing of a construction certificate, stating that the site is suitable for the intended development and use.*

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

19. *The site audit statement shall be developed and prepared in accordance with the following:*

a) *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*

.b) *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*

c) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*

d) *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*

e) *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*

f) *Any new information which comes to light during remediation,*

demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.

20. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
21. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
22. *The underground storage tanks must be removed in accordance with:*
- *Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*
 - *WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with conditions imposed).*

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

23. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
24. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*

25. *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.*
26. *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.*
27. *On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager Environmental Health & Building Services.*
28. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
29. *All remediation work shall be conducted within the following hours:*

<i>Monday – Friday</i>	<i>7am – 5pm</i>
<i>Saturday</i>	<i>8am – 5pm</i>
<i>No work permitted on Sundays or Public Holidays</i>	

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

30. *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.*
31. *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.

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

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

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-

used or recycled; facilities & procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

33. *The use of the commercial tenancies and internal fit-outs shall be subject to a separate development application and consent, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.*

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:

34. *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.*

The project specific criteria for the mechanical plant noise is (as listed in the acoustical report dated 7 March 2003, prepared by Hyder Consulting) when measured at the nearest affected receiver boundary:

	<i>Day (7am – 10pm)</i>	<i>Evening (6pm- 10pm)</i>	<i>Night (10pm – 7am)</i>
<i>Anzac Pde</i>	<i>63 LAeq (15 mins)</i>	<i>59 LAeq (15 mins)</i>	<i>46 LAeq (15 mins)</i>
<i>Darling St</i>	<i>53 LAeq (15 mins)</i>	<i>50 LAeq (15 mins)</i>	<i>44 LAeq (15 mins)</i>

35. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
36. *A Demolition and Construction noise management plan is to be prepared by a suitably qualified acoustic consultant and be implemented to minimise the impacts of construction noise to nearby premises. The necessary measures identified in the report must be implemented to comply with this report and address any concerns raised. A copy of this plan is to be provided to the Council and the Principal Certifying Authority and a copy is to be kept onsite. Should noise complaints during demolition and construction be received, Council's Authorised Officers may also issue directions to address any reasonable noise concerns.*

37. *The residential units are to achieve the following internal acoustic amenity criteria:*

- a) *In naturally ventilated residential units; the repeatable maximum LAeq (1hour should not exceed:*

35 dB(A) between 10.00 PM and 7.00 AM in sleeping areas when the windows are closed;

45 dB(A) in sleeping areas when windows are open;

*45 dB(A) in living areas (24 hours) when the windows are closed,
and*

55 dB(A) in living areas when the windows are open

- b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum LAeq (1hour) should not exceed:*

38 dB(A) between 10.00 PM and 7.00 AM in sleeping areas;

46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the Construction Certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, prior to the construction certificate being issued.

Proposed measures, which will alter the appearance of the building from the streetscape, may require the prior development consent from the Council.

38. *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 development consent.*

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

39. *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.

40. *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.*

41. *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.*

42. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
43. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
44. *In 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 \$5,000.*

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.

45. *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.*

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

46. *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 located upon:

All of the premises adjoining the subject site, including 4-10 Darling Street and 212 Anzac Parade, Kensington

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.

47. *A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail 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, must be fully complied with and incorporated into the documentation 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.

48. *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.*
49. *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.*
50. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) prior to occupation of the building, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

safety and amenity during construction:

51. *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.*
52. *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.*
53. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by 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 details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

54. *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 supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling 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 and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development

prior to commencing such excavations or works.

55. *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 and excavation 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.*
56. *A works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.*
57. *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 and verifying that the building is being constructed 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.*
58. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
59. *All building, demolition and associated site 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.*
60. *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.

61. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
62. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the 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.

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

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

64. *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.*
65. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

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.

66. *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.

67. *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.*
68. *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".*
69. *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.

70. *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 stockpiles 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 stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

71. *Public safety must be maintained at all times and 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.

72. *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 and erosion 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.

73. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

74. *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.*

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

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

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

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

76. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*

77. *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 prior to commencement of works.*

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

78. *Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the construction certification.*

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

79. *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 smoke detectors located within the stairway, corridors or the like must be interconnected.*

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

80. *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.

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

81. *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.

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

a) \$2000.00 - Vehicular crossing deposit

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

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

83. *The applicant must meet the full cost for Council or a Council approved contractor to carry out civil works along both the Anzac Parade & Darling Street frontages which shall include:*

- a) *Construction of a heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance/exit point to the site.*
- b) *Removing the redundant concrete vehicular crossings and laybacks and reinstating the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
- c) *Reconstructing kerb and gutter for the full site frontages except opposite the vehicular entrance and exit point.*
- d) *Carrying out minimum 2 metre wide, full depth road construction in front of the reconstructed kerb and gutter along the full site frontages.*
- e) *Reconstructing the existing Council footpath along both site frontages in accordance with Council's Urban Design Guidelines for Kensington.*

Note: This includes construction of an elevated footpath platform, access stairs and ramps along the Anzac Parade site frontage, removal of the existing street tree planting (as required) and the replacement with more suitable species as well as any street furniture required (tree grates, seats, bins etc).

84. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, etc which are due to building works being carried out at the*

above site. This includes the removal of cement slurry from Council's footpath and roadway.

85. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
86. *The proposed elevated footpath located along the Anzac Parade site frontage shall be set back from the existing kerb line in Anzac Parade a minimum of 3.0 metres, with a minimum 2.5 metres being unimpeded for pedestrian use. The plans submitted for the construction certification shall demonstrate compliance with this requirement.*
87. *Prior to an occupation certificate being issued for the development, a positive covenant and restriction under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-*
 - (i) *The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the elevated platform, stairs and ramps located on the public footway along the Anzac Parade site frontage, with all works being undertaken to the satisfaction of Council;*
 - (ii) *The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the elevated platform, stairs and ramps located on the public footway along the Anzac Parade site frontage. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.*

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the elevated platform, stairs and ramps located on the public footway along the Anzac Parade.*
- b. *The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*

- c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the registered proprietors of the Lot(s) burdened to the Council.*
 - (iii) *The registered proprietors of the Lot(s) burdened to pay Council compensation (at an appropriate rate determined by Council) for the use of the public footway prior to the issue of an Occupation Certificate.*
 - (iv) *No structures to be erected, nor goods to be stored, nor any work carried out in, on or over the public footway other than those approved by Council and the RTA.*
 - (v) *The positive covenant and restriction shall not be released, varied or modified without the consent of the Council.*
 - (vi) *The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisers and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.*
88. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
89. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
90. *The driveway and carpark ramps grades are to comply with the requirements of AS 2890.1. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
91. *The residential parking spaces on Basement 1 Level shall be separated from the commercial, residential and visitor parking spaces on the Ground Floor Level via a security roller shutter or similar between the two floors. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
92. *The commercial and visitor parking spaces on the ground floor level are to be clearly marked and signposted. Retractable bollards (or similar) shall be provided in the residential parking spaces located on the ground floor level.*
93. *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.

94. *The applicant shall install a suitable traffic control system to be used for vehicles entering/exiting the proposed ramp linking the Basement 1 Level carpark with the Ground Floor carpark. The traffic control system shall be suitably designed to minimise the potential for vehicular conflict along the ramp. The applicant shall submit full design and location details with the construction certificate application for approval by the certifying authority.*
95. *A "STOP" sign shall be installed at the vehicular exit point to require exiting vehicles to stop at the building line.*
96. *The applicant shall meet the full cost for new street signage along the full site frontage in Anzac Parade and Darling Street as required by the RTA and the Randwick Traffic Committee.*
97. *A work zone is to be provided in Darling Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

It is noted that Council may remove the work zone should it be determined that the zone is being misused.
98. *All costs associated with the proposed development (including traffic management measures) shall be borne by the developer.*
99. *All works on Anzac Parade (including construction of new driveways and removal of redundant driveways) shall be designed and constructed (including traffic control during construction) in accordance with the Australian Standards, Austroads Guide to Traffic Engineering Practice and RTA requirements (for details phone RTA Project Services Manager on 02 8814 2144). Except for driveways, detailed design plans shall be submitted to and approved by the RTA before any road works commence. A plan checking fee will be payable and a performance bond may need to be lodged before RTA's approval issued.*
100. *To promote the efficient operation of the classified road network, no vehicles associated with the development shall park or stand on Anzac Parade during the construction of the development.*
101. *Prior to the issuing of a construction certificate, the applicant shall submit to the certifying authority for approval and have approved, full operational details of the car stackers. This information shall include (but*

not be limited to) the following:

Manufacturer specifications (including dimensions) and instructions for operation

Details of manual operation in the event of power/mechanical failure

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

102. *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:*

Darling Street Frontage – 3.0% above the existing top of kerb levels along the full Darling Street site frontage.

Anzac Parade Frontage – match the proposed elevated section of footpath along the Anzac Parade site frontage. Note: The level of the elevated footpath shall be determined from the required floor levels specified in the amended flood study submitted in accordance with deferred commencement condition 6.

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

103. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
104. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3080 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
105. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*
106. *The visitor spaces and loading bays are to be readily accessible at all times. This may be achieved by the installation of a suitable intercom system adjacent to the carpark entry.*

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

107. *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.

108. *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.*
109. *The applicant shall meet the full cost for all above ground power and telecommunication cables located along the Anzac Parade and Darling Street site frontages to be relocated underground. The works shall be in accordance with the relevant service authorities requirements and shall be undertaken prior to any footpath reconstruction works being undertaken along the site frontages. The applicant shall meet the full cost for any redundant poles to be removed.*
110. *The applicant shall liaise with the relevant public utility service authorities regarding the proposed elevated section of public footpath to ensure that adequate access is provided to any services located under/near the elevated footpath.*

Documentary evidence from the relevant public utility authorities confirming that their requirements in relation to the proposed development (including the elevated section of footpath) have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.

111. *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.*
112. *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.

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

113. *All habitable and storage areas (excluding those within the basement carpark) shall be located at or above the levels specified in the amended flood study submitted in accordance with deferred commencement condition 6, and all access points/openings to the basement carpark shall be suitable protected from flooding up to these same levels. The plans submitted for the construction certificate shall demonstrate compliance with this condition.*
114. *All doors, walls and windows on the ground floor level along both the Anzac Parade and Darling Street site frontage shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from flood water during the probable maximum flood event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*
115. *All components of the fire stairs along the Darling Street site frontage that are located below the required floor levels (as determined in the flood study submitted in accordance with deferred commencement condition 6) shall be constructed from material that will not be adversely affected by flooding. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
116. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a*

surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.

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

117. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

118. *All stormwater leaving the site must be discharged by gravity to Council's underground drainage system in Anzac Parade via a new double grated gully pit (constructed by Council or a Council approved contractor at the*

applicant's expense). Details of the proposed gully pit shall be submitted to Council and the RTA for approval and approved prior to a construction certificate being issued.

Note: Sketch details of a standard double grated gully pit may be obtained from Council's Drainage Engineer (9399 0919)

119. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no overland escape route be provided for storms greater than the design storm.*
120. *All stormwater currently draining to the subject site shall be collected and discharged through the site stormwater system.*
121. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

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

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

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

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

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

stored.

126. *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.

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

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

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

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

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

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

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

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

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

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

A sign adjacent to this pit stating that:

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

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

obtained from Council's Drainage Engineer.

128. *A reflux valve shall be provide over the pipe draining from the site into the sediment/silt arrestor pit to prevent stormwater from Council's underground drainage system draining back into the subject development site.*
129. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
130. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
131. *Three covered car washing bays shall be provided for this development.*
 - a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*

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

132. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
 - h) *The location of the detention basin with finished surface levels;*
 - i) *Finished site contours at 0.2 metre intervals;*
 - j) *Volume of storage available in the detention areas;*
 - k) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - l) *The orifice size(s) (if applicable); and*
 - m) *Details of any pumping systems installed (including wet well volumes).*
133. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to*

the satisfaction of the PCA.

134. *As the proposed basement carpark will intersect the water table, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for 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).*
135. *The applicant shall obtain a Water License from the Department of Land and Water Conservation prior to the issuing of a construction certificate. The applicant is advised to contact Warren Miller on 9895 7784 regarding this matter.*
136. *The recommendations made in the Hydro Geotechnical report prepared by D. F. Dickson and Associates Pty Ltd dated 10 March 2003 and any subsequent excavation and dewatering details approved by Council in accordance with deferred commencement condition 5, shall be adopted. The Construction Certificate plans shall demonstrate compliance with this requirement.*
137. *A dilapidation survey of the surrounding properties shall be undertaken by a suitably qualified person and submitted to the certifying authority and Council (if Council is not the principal certifying authority) prior to the commencement of work on the site.*
138. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*

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

139. *Waste management within the development site, (including sizing and location of bin storage areas and compactor units), shall be carried out in strict compliance with the details and recommendations of the Waste Management Plan submitted with the development application, (i.e. Appendix E – Waste Management Report prepared by J D MacDonald and dated June 2003). The applicant shall demonstrate compliance with all elements of the subject Waste Management Plan prior to the issuing of a construction certificate*
140. *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.

141. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council for approval, and have approved by Council's Manager of Waste, a detailed design and specification for the proposed garbage collection chute/s.*

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

142. *Detailed landscape drawings and specifications, are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

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

- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *The landscape plan shall show a minimum number of 3 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - h. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - i. *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 that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - j. *Landscaped areas must include an area dedicated to on - site composting.*
 - k. *Porous paving shall be used in all pathways. Details are to provided with the construction certificate application.*
143. *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.

144. *The applicant shall submit a landscape design for the Anzac Parade and Darling Street frontages of the development in accordance with Council's Urban Design Guidelines for Kensington Commercial Centre. The landscape design shall include pavements, seat installations, bins, planter boxes and tree grates as required by Council's Landscape Architect – 9399 0786.*

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

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

A refundable deposit in the form of cash, cheque or bank guarantee of \$10,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade and Darling Street site frontages.

145. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas within the site as well as to the planter boxes proposed for Council's nature strip along Anzac Parade. 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.

146. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
147. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

148. *The applicant shall submit a total payment of \$20,315.50 + GST to Council,*
- a. *Being the cost for Council to remove the three (3) x Platanus x hybrida (Plane Trees) and two (2) x Hibiscus tileaceus (Linden Tree) street trees (\$1,120.00 + GST), and*
 - b. *Being the cost for Council to supply and install thirteen (13) x 45 litre street trees at the completion of all works (\$1,885.00 + GST), and*

- c. *To compensate Council for the loss of amenity caused by the removal of the street trees (\$17,010.00).*

The contribution shall be paid into Fee Code 525 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.

149. *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 of the subject tree.*
150. *A refundable deposit in the form of cash, 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.*

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

- 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 this consent does not approve any footpath seating areas. Any applications for footpath seating shall be submitted to Council for approval as a separate development application.*
- A3. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

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

9.4 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 64/2003 - DIRECTOR PLANNING & ENVIRONMENT'S REPORT 64/2003 - 53 HELENA STREET, RANDWICK. (D/1219/2002)

(**Note:** A Rescission Motion was submitted on this Item prior to the conclusion of the Meeting – However, as no determination was made on this application, the matter is being relisted on the agenda of a Health, Building & Planning Committee Meeting to be held on 9th September, 2003 and the rescission motion has no effect at this stage.)

MOTION: (Daley/White) that the recommendations contained in the Development Application Report dated 8th August, 2003 and the Acting Director's Report No. 64/2003 be adopted. **LOST.**

**9.5 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S
REPORT 65/2003 - DEVELOPMENT APPLICATION REPORT - 22A
PAULING AVENUE, COOGEE. (D/0765/2002)**

194 **RESOLUTION:** (*Andrews/Bastic*) 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. 765/2002 on property 22A Pauling Avenue by applications 'A', dated 25 June 2003 and 'B' dated 23 July 2003 in the following manner:*

1. Amend Condition No. 1 to read:

1. *The development must be implemented substantially in accordance with the amended plans comprising of 5 sheets numbered 57/02, dated 8 August 2002 and received by Council on the 12 August 2002, the application form and on any supporting information received with the application, except as may be amended by the A4 set of faxed, amended part plans (3 sheets) stamped received by Council on 27/06/03, except as may be amended by Sheets 1-4 of Plan No.57/02C, drawn by Ross Sampson and dated 15.07.03, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *Delete Condition 4.*

ADVISORY MATTERS:

A1. *The applicant is advised that the two skylights on the northern side of the house do not appear to meet the requirements of the BCA with regard to fire safety. 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. Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*

MOTION: (Andrews/Bastic) SEE RESOLUTION.

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

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

**9.6 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S
REPORT 66/2003 - DEVELOPMENT APPLICATION REPORT - 143-147
COOGEE BAY ROAD, COOGEE. (D/1049/2002)**

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

- A. Council, as the responsible authority, grant its development consent as a *Deferred Commencement* under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1049/02/GE for Demolition of existing service station and the construction of a four level multi-unit residential building, including basement car parking, containing seven x 1 bedroom apartments and the strata subdivision of the building at 143-147 Coogee Bay Road, Coogee 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 is to engage an Environment Protection Authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the remedial action plan, prepared by Aargus PTY LTD dated July 2003 and a report is to be submitted to Council, stating that the remedial action plan is acceptable and will achieve the results of health based investigation Level NEHF D criteria, to make the site suitable for its intended use.*

DEVELOPMENT CONSENT CONDITIONS

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA01-13, dated the 4th June, 2003 prepared by Turner Associates, Landscape Plans sk 01 and 02 prepared by McGregor and partners and Draft Strata Plans with Surveyor' Reference 22154 D.T./Coogee Bay, Sheets 1 – 5, prepared by David John Tremain of Harrison Friedmann and Associates P/L dated the 2nd June, 2003, all received by Council on the 12th June, 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. *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.*

3. *External materials, finishes and colours shall be in accordance with the Sample Board of External, Materials, Finishes and Colours prepared by Turner and Associates and submitted to Council on the 18th June, 2003.*
4. *A continuous planter bed 1m wide and capable of having a soil depth of 600mm (minimum) shall be located around the southern and western edges of the Level 3 balcony off Unit 6 and shall be planted with suitable species capable of reaching a height of 1.8m in order to minimise overlooking. Details demonstrating compliance shall be shown on the architectural and landscape plans **prior to the issue of the construction certificate.***
5. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *Power supply and telecommunications cabling to the development shall be underground.*
8. *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.*
9. *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 & Community Development, **prior to the commencement of works.***
10. *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.
11. *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.*
12. *Where access is required to adjoining premises for construction purposes, the 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.*
13. *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.*
14. *Upon completion of the development and **prior to the issuing of the strata subdivision**, documentary evidence is to be submitted to the Council by the Principal*

Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.

Details of critical phase inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.

15. *The relevant requirements of the Sydney Water Act 1994 must be complied with and 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 issuing an occupation certificate or release of the subdivision linen plan, as applicable.

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

16. *The applicant is to engage an Environment Protection authority (EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use; Health based investigation Level NEHF D criteria. A Site Audit Statement and Summary Site Audit Report is to be submitted to and accepted by Council, prior to the issuing of a construction certificate, stating that the site is suitable for the intended development and use.*

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

17. *The site audit statement shall be developed and prepared in accordance with the following:*
 - a) *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
 - b) *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City*

Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.

- c) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
 - d) *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
 - e) *The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
 - f) *Any new information which comes to light during remediation, demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.*
18. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
19. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
20. *On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager Environmental Health & Building Services.*
21. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*

22. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
23. *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.*
24. *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.*
25. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
26. *All remediation work shall be conducted within the following hours:*

Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
27. *Should any underground tanks be discovered they shall be removed in accordance with:*
 - *NSW Environmental Protection Authority Guidelines,*
 - *Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*
 - *WorkCover NSW requirements.*

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

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

28. *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.*
29. *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.

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

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

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

31. *The use of the commercial tenancies and internal fit-outs shall be subject to a separate development application and consent, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.*

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:

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

In this regard, the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ descriptor and adjusted in accordance with the Industrial Noise Policy 2000.

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

34. *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 development consent.*

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

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

a) \$5000.00 - Vehicular crossing deposit

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

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

36. *The inside wall of the driveway ramp near the bicycle space east of the automated garage door shall be removed in order to facilitate turning movements for Car Space No. 1 and shall be shown as such on the construction certificate plans **prior to the release of the construction certificate.***
37. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a) *Reconstruct a heavy-duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Remove the redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Re-construct a kerb and gutter for the Coogee Bay Rd site frontage except opposite the vehicular entrance and exit points.*
 - d) *Carry out a full depth, 2.00 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
 - e) *Construct a new footpath along the Coogee Bay Road and Mount Street frontages of the development in accordance with Council's Urban Design Guidelines for Coogee Commercial Centre The landscape design shall include pavements as required by Council's Landscape Architect – 9399 0786.*
38. *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.*
39. *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.*
40. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority*

prior to the release of the construction certificate showing compliance with this condition.

41. *The internal driveway must be located 1.00m from the western side property boundary. Details showing compliance are to be submitted on plans for the construction certificate.*
42. *A work zone is to be provided to the Coogee Bay Rd site frontage and details of the work zone location and the prescribed fee for the installation of a "work zone" having a minimum length of 12 metres must be paid to Council at least four (4) weeks prior to the commencement of building works.*
43. *The internal driveway is to have an internal traffic signal system installed on the ramp. Details are to be submitted to Council for approval prior to issuing the construction certificate.*
44. *Any roller door/security grille for the basement carpark is to be located a minimum 5.50m from the Coogee Bay Rd frontage.*

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

45. *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.

46. *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.*
47. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,270.00 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

48. *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.*
49. *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.

50. *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.*
51. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

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

52. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*

- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
53. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.*
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum have to be a minimum of 2.0 metres below the base of the tank.*
54. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
55. *The applicant must provide for a detention volume of up to the 1 in 100 year, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.*
56. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

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

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

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

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

60. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
61. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*
62. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*
 - a) *location*
 - b) *pipe diameter*
 - c) *gradient*
 - d) *pipe material i.e. PVC or EW etc*
 - e) *orifice size (if applicable)*

63. *A sediment/silt arrester pit must be provided:-*
 - a) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - b) *prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be 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.*

64. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
65. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
66. *Each car bay shall be provided as a car-washing bay 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)*
 - d) A water tap shall be located adjacent to each car-washing bay.*

67. *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.*
68. *As the above site may be present with seepage water 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).*
69. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*

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

70. *The garbage room areas will have to be designed so as to be able to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins. The garbage bins are to be stored together and the recycling bins are to be stored together Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
71. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation. The garbage storage area is to be covered so as to prevent rainwater entering the floor waste of the garbage area.*
72. *The proposed waste management area shall be constructed to be at grade with Council's footpath level at the gate entrance from Mount Street. Details of such shall be provided **prior to the issue of the construction certificate.***
73. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.*

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

74. *The landscaped areas shown on the plan number sk01, prepared by McGregor + partners, 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 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.*
 - b) *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.*
 - c) *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.*
 - d) *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - e) *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.*
75. *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.

76. *The applicant shall submit a landscape design for the Coogee Bay Road and Mount Street frontages of the development in accordance with Council's Urban Design Guidelines for Coogee Commercial Centre The landscape design shall include pavements as required by Council's Landscape Architect – 9399 0786.*

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

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council

property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of \$4,000 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 Coogee Bay Road and Mount Street site frontages.

77. *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.

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

79. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

80. *The applicant shall submit a total payment of \$172.00 to Council,*
a. Being the cost for Council to supply and install 2 x 25 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.

81. *A refundable deposit in the form of cash or cheque for the amount of \$7,000.00 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 satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:

82. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
83. *A formal subdivision application is required to be submitted to and approved by the Council and all conditions of a) this development consent are required to be satisfied prior to the release of the subdivision plans.*
84. *The registered proprietor of the land the subject of this consent shall enter into a positive covenant that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.*
85. *Where the plans which are the subject of this consent reserves parking spaces and/or courtyards for the exclusive use and enjoyment to an occupier of the land, the registered proprietor shall enter into a positive covenant that no change will be made to such reservations without the prior approval of Randwick City Council.*
86. *All orders and notices issued by Council shall be complied with prior to release of the subdivision plans.*
87. *The landscape open space adjacent to the western and eastern boundaries of the site are to remain as common property and be indicated on the strata plan application.*
88. *The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.*
89. *Prior to release of the Plan of Subdivision the applicant shall provide Council with a subdivider/developer certificate for the proposed lots. The certificate is obtained from Sydney Water.*
90. *The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*

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

91. *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.

92. *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.*

93. *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.*

94. *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.*

95. *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.*

96. *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 \$5,000.*

*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.*

97. *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.*

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

98. *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.*
99. *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. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to the retaining wall along the southern boundary and nearby land/premises and the report is to detail 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, must be fully complied with and incorporated into the documentation 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.

100. *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 demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.*

*Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**.*

101. *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, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the adjoining premises.

*The report is to be supported with photographic evidence of the status and condition 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.***

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

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

103. *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.***
104. *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.*
105. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by 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 details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

106. *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 supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling 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 and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

107. *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 and excavation 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.*
108. *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.*
109. *All building, demolition and associated site 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.*
110. *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.*
111. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*

112. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
113. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the 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.

114. *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.

115. *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.*
116. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

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.

117. *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, soil and debris at all times.*

118. *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.*
119. *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".*
120. *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.

121. *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 stockpiles 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 stockpiles of sand, soil and excavated material.*

- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

122. *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.

123. *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.*

124. *Public safety must be maintained at all times and 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.

125. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
126. *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 condition/s are applied to satisfy the increased demand for public amenities and public services:

127. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
- | | | |
|----|-----------------------------------------------------------------|-----------|
| a) | <i>for the provision or improvement of open space</i> | \$8366.95 |
| b) | <i>for the provision or improvement of community facilities</i> | \$3696.00 |
| c) | <i>Administration fee</i> | \$ 425.00 |

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

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

128. *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.

129. *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 noted in the **construction certificate** plans or specifications.*

130. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

131. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
132. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
133. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

*Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*

Advisory Matters

- A1.** *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.

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

MOTION: (Backes/Greenwood) that the application be refused for the following reasons:

1. Ingress/Egress issues;
2. Lack of garbage bin storage;
3. Inadequate curtilage
4. Overdevelopment of the site;
5. A two (2) parking space deficiency; and
6. Inadequate landscaping.

LOST.

MOTION (Further): (Backes/Daley) SEE RESOLUTION.

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

For

Against

Andrews
Bastic
Daley
Matthews
Procopiadis
Schick
Seng
His Worship the Mayor, Cr D. Sullivan
Tracey
White

Backes
Greenwood
Matson
Notley-Smith
Whitehead

**9.7 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S
REPORT 67/2003 - DEVELOPMENT APPLICATION REPORT - 80
AUSTRAL ST MALABAR. (D0145/2003/GA)**

196 **RESOLUTION:** (*White/Matthews*) that:

A. *Council's original Determination of Development Application No. 145/03 dated 13 May 2003 for First floor addition to existing single storey dwelling and re-cladding of external walls to ground floor be amended as follows:*

Condition No. 2 amended

2. *The rear terrace off the parents' retreat at first floor level is to be constructed as per the submitted plans numbered 0502/03 submitted for Section 82A Review submission, dated 5/2/03 and lodged on the 17 June 2003.*

Condition No. 4 amended

4. *The windows to the bathroom and stair on the eastern elevation at first floor level, shall be of obscure glazing to 1.7 metres above the first floor finished floor level (i.e: RL 14.89). This condition is imposed to minimise the potential for overlooking of the adjoining property to the east. Details required by this condition are to be shown on the plans submitted with the Construction Certificate application.*

Condition No. 5 amended

5. *The front, north facing terrace (adjoining the master bedroom and stairs) at first floor level is to be constructed as per the submitted plans numbered 0502/03 submitted for Section 82A Review submission, dated 5/2/03 and lodged on the 17 June 2003.*

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

For

Backes
Bastic
Daley
Matthews
Procopiadis
Schick
His Worship the Mayor, Cr D. Sullivan

Against

Andrews
Greenwood
Matson
Notley-Smith
Seng
Tracey
Whitehead

**9.8 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S
REPORT 68/2003 - DEVELOPMENT APPLICATION REPORT - 159-171
ANZAC PARADE & 1 LORNE AVENUE, KENSINGTON. (D/1026/2002)**

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

- a. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1026/02 for the demolition of the existing buildings and construction of a mixed development comprising 55 x student accommodation units, 5 x ground floor retail suites, 4 x ground floor commercial suites and associated car parking at 159-171 Anzac Parade & 1 Lorne Avenue, Kensington subject to the following conditions:-

Deferred Commencement Conditions

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

1. The applicant is required to secure written consent from the owner of the Phoenix *canariensis* (Canary Islands Date Palm) located within the adjoining property to the south, for the removal of this palm. The applicant will be required to pay the costs for the removal of the palm as well as providing a suitable replacement tree. Should the written consent of the owner not be forthcoming, the applicant is required to submit revised details of the proposed driveway access to Lorne Avenue demonstrating that suitable access can be achieved while preserving the existing Date Palm. These should be accompanied by a report prepared by a qualified Arborist confirming that the proposed driveway construction method will be adequate to protect the existing Date Palm.
2. A report detailing the proposed method of excavation and dewatering shall be submitted to Council for approval. The report shall be in general accordance with the recommendations made in the Geotechnical Report by Douglas Partners Pty. Ltd. Dated October 2002 prior to the consent becoming operational, and shall be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and must include but not limited to:
 - The proposed method of shoring/piling and dewatering
 - The zone of influence of any possible settlement
 - The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)
 - Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and requirements of the DLWC are satisfied.
 - The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council)

- *The location of all pumping equipment in relation to the property boundaries*
 - *The proposed method of noise attenuation for all pumping equipment i.e.; so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential dwelling and not to be audible at all between the hours of 10pm and 7am within any residential dwelling*
 - *A statement from suitably qualified and experienced Geotechnical and Hydrological Engineers, with the concurrence of a Structural Engineer, that there will be no detrimental settlement to adjoining or nearby buildings using the chosen method of excavation/dewatering.*
3. *Advice from the NSW Roads and Traffic Authority (RTA) that no objection is raised to the any proposed elevation of the footpath along Anzac Parade required to protect the development from flooding. All requirements from the RTA are to be incorporated as part of the development approval. In the event that the RTA does not agree to the elevated footpath being provided along the Anzac Parade site frontage, the applicant is to submit suitably modified details of the proposal demonstrating that all new habitable and storage areas are suitably waterproofed up to 300mm above the 1 in 100 year flood level and that a high point is provided along the full width of any access point to the basement level that is at least 150mm above the 1 in 100 year flood level. Any proposal is to demonstrate compliance with the Council's standards for disabled access.*
 4. *Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board). 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.*
 5. *Details of the proposed basement carpark showing the means by which commercial, visitor and residential parking spaces are to be segregated, such as through the use of retractable bollards or similar. All parking spaces shall be clearly marked and signposted and clear directional signage shall be provided within the basement carpark to direct the different users to the commercial, residential and visitor parking areas.*
 6. *Details of the proposed bicycle storage including 25 x bicycle spaces to be provided within the basement level car park and 10 x bicycle spaces to be provided at ground level in a suitable location to be agreed with Council. All bicycle storage is to be provided in accordance with Council's DCP – Parking.*
 7. *Details of the proposed Level 1 Floor Plan deleting any areas of deep soil planting above the alignment of the proposed right-of-carriageway depicted in the Block controls of the Kensington Town Centre Development Control Plan 2002. Any substantial planting in this area is to be contained within raised planter boxes or suitable alternative to facilitate any approved future construction of the right-of-carriageway.*

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent .

Development Consent Conditions

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

REFERENCED PLANS:

- 1. The development must be implemented substantially in accordance with the plans numbered DA01, DA04, DA06-10, DA14 and DA22 Revision A dated 18 June 2003 and DA05 Revision A dated 13 June 2003 and received by Council on 19 June 2003, DA 12 and DA13 Revision B dated 8 July 2003 and received by Council on 8 July 2003, and DA11 Revision C dated 22 July 2003 and DA02 and DA03 dated 23 July 2003 and received by Council on 24 July 2003, the application form and 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:*

Department of Land and Water Conservation Terms of Approval for water licence:

General and Administrative Issues

- 2. The licensee shall allow (subject to Occupational Health and Safety Provisions) the Department of Land and Water Conservation or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of sub-surface water.*
- 3. If a work is abandoned at any time the licensee shall notify the Department of Land and Water Conservation that the work has been abandoned and seal off the aquifer by:-
Backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or
Such methods as agreed to or directed by the Department of Land and Water Conservation.*
- 4. Tailwater drainage shall not be allowed to discharge onto adjoining roads (without Council approval), Crown Land or other persons land, or into any river as defined under the Water Act, by surface or sub-surface drains or pipes or any other means.*
- 5. Works used for the purpose of conveying, distributing or storing water from the work authorised by the licence shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake.*
- 6. If the bore authorised by this licence is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220mm.*
- 7. Water shall not be pumped from the borefield authorised by the licence for any purpose other than temporary construction de-watering.*
- 8. The licensee shall notify the Department of Land and Water Conservation if a flowing*

supply of water is obtained.

Conditions Specific to DA 1026/02

9. *The licence will lapse if the work is not commenced and completed within three years of the date of the issue of the licence.*
10. *Upon formal application the licensee shall within two months of completion or after the issue of the licence if the work is existing, furnish to the Department of Land and Water Conservation:-*
 - Details of the work set out on the appropriate form.*
 - A plan showing accurately the location of the work, in relation to portion and property boundaries.*
 - Details of any water analysis and/or pumping and tests.*
11. *The Licensee shall maintain a record of the actual volume of groundwater pumped (kilolitres/megalitres) from the de-watering work, the discharge rate (litres per second) and duration of pumping (number of days/ weeks) and supply this information to the Department upon completion of construction.*
12. *Special conditions (being conditions 9-11) may be varied by the Department at any time.*

The following conditions are applied to ensure the Water Licence obligations for the development are fulfilled:

13. *The applicant shall reimburse the costs of Council for its engagement of independent and suitably qualified persons to undertake a peer review of the excavation/dewatering report and provide expert advice to Council during the course of construction.*
14. *The applicant must present proof to Council of receiving the Water Licence, **prior to the issue of the Construction Certificate**. This condition is imposed to ensure that works do not commence prior to the obtaining of a licence.*

ENVIRONMENTAL AMENITY:

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:

15. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8m to maintain reasonable levels of amenity to the adjoining premises.*
16. *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.*
17. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
18. *Street numbering must be provided to the premises in a prominent position, to the*

satisfaction of Council.

19. *Power supply and telecommunications cabling to the development shall be underground.*
20. *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.*
21. *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.*
22. *A separate Development Application is required to be submitted to and approved by Council with regard to each separate proposed usage of the building **prior to occupancy**.*
23. *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.*
24. *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.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

The following conditions are imposed to promote ecologically sustainable development and energy efficiency:

25. *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.
26. *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 noted in the **construction certificate** plans or specifications.*
27. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

Details of compliance with the requirements for insulation are to be included in the construction certificate application.

28. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
29. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*

SECTION 94:

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

30. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council:*
 - a) *for the provision or improvement of open space* \$135,234.00
 - b) *for the provision or improvement of community facilities* \$59,796.00
 - c) *for townscape improvements* \$339,902.80
 - d) *Administration fee* \$425.00

The contribution must be paid in cash or by bank cheque prior to a construction certificate being issued

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

CIVIL WORKS/TRAFFIC:

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

31. *The applicant must meet the full cost for Council or a Council approved contractor to carry out civil works along both the Anzac Parade & Lorne Avenue frontages which shall include:*
 - a) *Construction of a heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance/exit point to the site.*
 - b) *Removing the redundant concrete vehicular crossings and laybacks and reinstating the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Reconstructing kerb and gutter for the full site frontage in Lorne Avenue except opposite the vehicular entrance and exit points.*

- d) *Carrying out minimum 2 metre wide, full depth road construction in front of the reconstructed kerb and gutter along the full site frontage in Lorne Avenue.*
- e) *Reconstructing the existing Council footpath along both site frontages in accordance with Council's Urban Design Guidelines for Kensington.*

Note: This includes construction of an elevated footpath platform, access stairs and ramps along the Anzac Parade site frontage (as shown on Drawing DA 03, Rev C, by Project Tourism International Architects, dated 23/7/2003), removal of the existing street tree planting (as required) and the replacement with more suitable species as well as any street furniture required (tree grates, seats, bins etc).

- 32. *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, 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.*
- 33. *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.*
- 34. *The proposed elevated footpath located along the Anzac Parade site frontage (as shown on Drawing DA 03, Rev C, by Project Tourism International Architects, dated 23/7/2003) shall be set back from the existing kerb line in Anzac Parade a minimum of 3.0 metres, with a minimum 2.5 metres being unimpeded for pedestrian use. It is noted that this will necessitate relocation of the existing bus shelter located along the Anzac Parade site frontage. The plans submitted for the construction certification shall demonstrate compliance with this requirement.*
- 35. *Prior to any works being undertaken within the public footpath area, the applicant shall meet the full cost for the existing bus shelter (and associated signage) located along the Anzac Parade street frontage to be relocated to the satisfaction of the Randwick Traffic Committee and Council's Parks and Recreation co-ordinator.*
- 36. *Prior to an occupation certificate being issued for the development, a positive covenant and restriction under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-*
 - i) *The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the elevated platform, stairs and ramps located on the public footway along the Anzac Parade site frontage, with all works being undertaken to the satisfaction of Council;*
 - ii) *The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the elevated platform, stairs and ramps located*

on the public footway along the Anzac Parade site frontage. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the elevated platform, stairs and ramps located on the public footway along the Anzac Parade.*
 - b. The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
 - c. The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the registered proprietors of the Lot(s) burdened to the Council.*
- iii) The registered proprietors of the Lot(s) burdened to pay Council compensation (at an appropriate rate determined by Council) for the use of the public footway prior to the issue of an Occupation Certificate.*
- iv) No structures to be erected, nor goods to be stored, nor any work carried out in, on or over the public footway other than those approved by Council and the RTA.*
- v) The positive covenant and restriction shall not be released, varied or modified without the consent of the Council.*
- vi) The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisers and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.*

The positive covenant and restriction shall not be released, varied or modified without the consent of the Council.

The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.

- 37. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings.*
- 38. The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a*

minimum 1.5m x 1.5m splay to allow the passing to work.

39. *The driveway and carpark ramps grades are to comply with the requirements of AS 2890.1. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
40. *The loading bay off Lorne Avenue shall be constructed in general accordance with the requirements of AS 2890.2. The plans submitted for the construction certificate shall clearly demonstrate that a minimum clearance of 3.6 metres is provided within the loading area.*
41. *The applicant shall provide clear signage above the entrance to the loading bay off Lorne Avenue indicating the maximum clearance.*
42. *All deliveries to the site shall be undertaken within the site.*
43. *All residential, staff, commercial and visitor parking spaces shall be clearly marked and signposted*
44. *Clear directional signage shall be provided within the basement carpark to direct the different users to the commercial, residential and visitor parking areas.*
45. *Car spaces 4 and 14 shall be clearly signposted as small carspaces.*
46. *Directional arrows shall be provided in the access aisles to indicate the direction of traffic flow.*
47. *The doors to the laundry and garbage chute enclosures shall be replaced with roller shutters to maximize the aisle widths available for vehicular manoeuvring in the basement carpark. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
48. *The car park layout and service vehicle area shall generally comply with Australian Standards AS 2890.1 and AS 2890.2.*
49. *A "STOP" sign shall be installed at the vehicular exit point to require exiting vehicles to stop at the building line.*
50. *A work zone is to be provided in Lorne Avenue for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

It is noted that Council may remove the work zone should it be determined that the zone is being misused.

51. *All costs associated with the proposed development (including traffic management measures) shall be borne by the developer.*
52. *All works on Anzac Parade (including construction of new driveways and removal of redundant driveways) shall be designed and constructed (including traffic control*

during construction) in accordance with the Australian Standards, Austroads Guide to Traffic Engineering Practice and RTA requirements (for details phone RTA Project Services Manager on 02 8814 2144). Except for driveways, detailed design plans shall be submitted to and approved by the RTA before any road works commence. A plan checking fee will be payable and a performance bond may need to be lodged before RTA's approval issued.

53. To promote the efficient operation of the classified road network, no vehicles associated with the development shall park or stand on Anzac Parade during the construction of the development.

Alignment Level Conditions:

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

54. 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:

Lorne Ave Frontage – 3.0% above the existing top of kerb levels along the full Lorne Avenue site frontage.

Anzac Parade Frontage – at RL 24.74 (AHD) to match the proposed elevated section of footpath along the Anzac Parade site frontage.

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

55. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
56. The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$2834 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.
57. The top of footings of any structures constructed on the boundary alignment in Lorne Avenue must be at least 150mm below the alignment level as specified for the vehicular access.

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. ***The applicant shall liaise with the relevant public utility service authorities regarding the proposed elevated section of public footpath to ensure that adequate access is provided to any services located under/near the elevated footpath.***

Documentary evidence from the relevant public utility authorities confirming that their requirements in relation to the proposed development (including the elevated section of footpath) have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.

61. *The electricity substation shall be suitably protected from flooding and screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. Documentary evidence from Energy Australia confirming that their requirements relating to the substation have been satisfied must be submitted to the certifying authority prior to the issuing of a construction certificate.*

62. *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.

63. *The applicant shall meet the full cost for all aboveground power and telecommunication cables located along the Anzac Parade and Lorne Avenue site frontages to be relocated underground.. The works shall be in accordance with the relevant service authorities requirements and shall be undertaken prior to any footpath reconstruction works being undertaken along the site frontages. The applicant shall meet the full cost for any redundant poles to be removed.*

Drainage Conditions:

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

64. *The floor levels of retail tenancies 1, 2, 3, 4 and 5, and the entrance lobbies off Anzac Parade shall be located a minimum 450mm above the 1 in 100 year flood levels as determined in the flood study by Toby Fiander and Associates, dated 19 June 2003.*

The submitted level 1 floor plan Drawing DA 03, Rev C, by Project Tourism International Architects, dated 23/7/2003 demonstrates compliance with this requirement.

65. *The floor levels of all habitable and storage areas along the Lorne Avenue site frontage (excluding the basement carpark) shall be located at a minimum RL of 25.01 (AHD).*
66. *A high point shall be provided along the full width of the driveway to a minimum RL of 24.71 (AHD), and a floodgate shall be provided at the top of the high point to provide the required freeboard. The flood gate shall be designed by a suitably qualified engineer and shall be designed in accordance with the following minimum requirements:*

The flood gates shall automatically rise when water levels gets to 300 mm below the high point in the driveway

Provision shall be made for manual raising and lowering of the floodgates.

Warning alarms and lights shall be provided to indicated when the flood gates are being raised and lowered

A back up pumping system (with a suitably sized sump) shall be provided in the basement carpark.

The floodgates shall be constructed with a full back up system for both power supply and raising mechanism.

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

67. *All windows, vents and other openings into the basement carpark (except the access driveway) shall be a minimum of 300mm above the 1 in 100 year flood levels as determined in the flood study by Toby Fiander and Associates, dated 19 June 2003.*
68. *The proposed loading bay located off Lorne Avenue shall be constructed at a minimum RL of 24.71 (AHD), and shall be constructed in accordance with the following general requirements:*

All sections of the loading bay which area below RL 25.01 (AHD) are constructed using materials that will not be adversely affected by flooding/stormwater inundation.

There are no electrical connections nor the storage of any goods which may be affected by stormwater below RL 25.01 (AHD) in the loading area.

The hoist from the basement is located at a minimum of RL 25.01 (AHD).

A restriction to user shall be attached to the title of the subject development which prohibits the storage of any goods and the installation of any floor coverings, wall coverings and fixtures (including electrical connections) that may be adversely affected by stormwater inundation, below RL 25.01 (AHD) in the loading bay.

Flood resistant doors and walls are installed in front of the loading bay. This

is to ensure that the doors will not be damaged during major storm events.

69. *All components of the fire stairs along the Lorne Avenue site frontage which are located below RL 25.01 metres (AHD) shall be constructed from material that will not be adversely affected by flooding. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
70. *All doors, walls and windows on the ground floor level along both the Anzac Parade and Lorne Avenue site frontage shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from flood water during the probable maximum flood event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*
71. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of*

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

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
- h) All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*

- 72. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to Council's underground drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

- 73. All stormwater leaving the site must be discharged by gravity to Council's underground drainage system in Anzac Parade via a new double grated gully pit (constructed by Council or a Council approved contractor at the applicant's expense). Details of the proposed gully pit shall be submitted to Council and the RTA for approval and approved prior to a construction certificate being issued.*

Note: Sketch details of a standard double grated gully pit may be obtained from Council's Drainage Engineer (9399 0919)

- 74. The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no overland escape route be provided for storms greater than the design storm.*
- 75. All stormwater currently draining to the subject site shall be collected and discharged through the site stormwater system.*
- 76. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. The "restriction as to user and positive covenant" are to be to the satisfaction*

of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.

- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

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

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

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

80. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
81. *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.

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

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

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

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

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

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

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

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

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

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

A sign adjacent to this pit stating that:

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

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

83. *A reflux valve shall be provide over the pipe draining from the site into the sediment/silt arrester pit to prevent stormwater from Council’s underground drainage system draining back into the subject development site.*
84. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
85. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
86. *Two (2) covered car washing bays shall be provided for this development.*
 - a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*

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

The plans submitted for the construction certificate shall show the location of the proposed carwash bays.

87. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) *The location of the detention basin with finished surface levels;*
 - b) *Finished site contours at 0.2 metre intervals;*
 - c) *Volume of storage available in the detention areas;*
 - d) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - e) *The orifice size(s) (if applicable); and*
 - f) *Details of any pumping systems installed (including wet well volumes).*
88. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
89. *As the proposed basement carpark will intersect the water table, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for 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).*
90. *The applicant shall obtain a Water License from the Department of Land and Water Conservation prior to the issuing of a construction certificate. The applicant is advised to contact Warren Miller on 9895 7784 regarding this matter.*
91. *The recommendations made in the Geotechnical report prepared by Douglas Partners Pty Ltd (report dated 8 October 2002) and any subsequent excavation and dewatering details approved by Council in accordance with deferred commencement condition 2, shall be adopted. The Construction Certificate plans shall demonstrate compliance with this requirement.*
92. *A dilapidation survey of the surrounding properties shall be undertaken by a suitably qualified person and submitted to the certifying authority and Council (if Council is not the principal certifying authority) prior to the commencement of work on the site.*

PARKING:

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

93. *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.*
94. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
95. *The carpark in the development, must incorporate the provision of:*
 - a) *Not less than 48 x car parking spaces allocated at the following rates:- i) student housing - 25, ii) visitors - 5, iii) commercial/retail - 18, and*
 - b) *1 x car wash bay that may be used in conjunction with a visitor space.*

Details of compliance with this condition are to be shown on the relevant plans for the construction certificate.

Carparking within the development is to comply with the following:

- *Each right angle parking space is to be a minimum dimension of 5.5m x 2.5m clear of any structures;*
- *Each end right angle parking space is to be a minimum dimension of 5.5m x 3m clear of any structures;*
- *Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard AS 2890.1 – 1993;*
- *All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;*
- *Off-street parking is to be encouraged by the placement of prominent signs indicating the availability of parking;*
- *The entrance/exit point is to be clearly signposted and visible from the street at all times;*
- *The driveway of the basement carpark must be illuminated by an approved means (i.e. bollard lighting) from dusk to dawn.*
- *The visitor spaces and loading bays are to be readily accessible at all times. This may be achieved by the installation of a suitable intercom system adjacent to the carpark entry.*

*Details of compliance are to be shown on the relevant plans for the **Construction Certificate**.*

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

SECURITY DEPOSITS:

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

97. *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.

98. *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 crossings.*

a) \$4000.00 - 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.

WASTE MANAGEMENT:

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

99. *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.*

100. *The storage areas under the garbage chutes shall be of sufficient size to accommodate 2 x 240 litre mobile garbage bins. The plans submitted for the construction certificate shall be amended to show compliance with this requirement.*

101. *The two doors to the commercial storage area shall open outwards. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

102. *The residential, commercial and retail wastes are to be managed by a waste caretaker.*

Landscape Conditions:

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

103. *The landscaped areas shown on the plan number A-L-01/D, 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 street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

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

- h. 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 that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - i. Landscaped areas must include an area dedicated to on - site composting.*
 - j. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
 - k. Location of easements within the site and upon adjacent sites (if any).*
- 104. 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.

- 105. The applicant shall submit a landscape design for the Anzac Parade and Lorne Avenue street frontages of the development in accordance with Council's Urban Design Guidelines for Kensington Commercial Centre. The landscape design shall include pavements, seat installations, bins, garden beds and tree grates as required by Council's Landscape Architect – 9399 0786.*

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

The applicant shall note that 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 \$10,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade and Lorne Avenue site frontages.

- 106. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas including those proposed for the Lorne Avenue road closure. 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.

107. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
108. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

109. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

*Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*

Tree Management

110. *The applicant shall submit a total payment of \$10,994.50 to Council,*
 - a. *Being the cost for Council to remove the existing Ficus hillii (Hills Weeping Fig), Podocarpus elatus (Brown Pine) and Platanus x hybrida (Plane Tree) street trees (\$5,170.00 + GST), and*
 - b. *Being the cost for Council to supply and install 5 x 45 litre street trees at the completion of all works (\$725.00 + GST), and*
 - c. *To compensate Council for the loss of amenity caused by the removal of the Podocarpus elatus (Brown Pine) and Platanus x hybrida (Plane Tree) street trees (\$4,510.00).*

The contribution shall be paid into Fee Code 525 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.

111. *In order to preserve the Anzac Parade road pavement and underground drainage system, no changes to the street trees shall be undertaken without prior consultation*

and agreement with the RTA.

112. *Approval is granted for the removal of all trees within the site.*
113. *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.*

Tree Protection Measures

114. *In order to ensure the retention of the 2 x Platanus species (Plane Trees) located within Council's nature strip along the Anzac Parade site frontage in good health, the following measures are to be undertaken:*
 - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
 - b. *Any excavations required for footings, structures, retaining walls, services, pipes, paving etc within 2 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
 - c. *Watering of the trees three times a week for the duration of the demolition and construction periods.*
115. *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.*

OCCUPATIONAL HEALTH & SAFETY AND DANGEROUS GOODS:

The following conditions are applied to ensure adequate environmental protection and

occupational health and safety:

116. *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.*
117. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environmental Protection Authority, and with the provisions of:*
- *Occupational Health and Safety Act 2000*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and*
 - *The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines*
118. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall submit a Work Plan prepared in accordance with Australian Standards AS260-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the precautions to be employed to ensure public safety and to minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such works.*
119. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

CONTAMINATED LAND:

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

120. *Prior to a **construction certificate being issued**, a Preliminary Site Contamination Investigation must be undertaken. This Preliminary Investigation shall be carried out in accordance with the requirements of the NSW EPA Guidelines and is to be undertaken by a suitably qualified consultant. The Preliminary Site Contamination Investigation is to identify any past or present potentially contaminating activities and must be provided to Council, in accordance with Council's Land Contaminated Land Policy. The Preliminary Site Contamination Investigation report is to be submitted to and approved by Council's Manager Environmental Health & Building Services prior to issuing a construction certificate.*
121. *Should the Preliminary Site Contamination Investigation be unable to justifiably conclude that the site is suitable for the proposed use, prior to a **construction certificate being issued**, a Detailed Site Contamination Investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past filling activities that may have occurred on site. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the*

nature, extent and degree of contamination upon the land. The Detailed Site Contamination Investigation report is to be submitted to and approved by Council's Manager Environmental Health & Building Services prior to issuing a construction certificate.

122. *Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion to the report must clearly state that 'the land is suitable for its intended land use without restrictions, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement.*
123. *Should the Detailed Site Investigation Report identify that the land is contaminated, then a Remedial Action Plan (RAP) is required to be submitted to and approved by Council prior to commencing remediation works. Upon completion of any remediation works, a Site Audit Statement and Summary Site Audit Report is to be submitted to and approved by Council, **prior to a construction certificate being issued**, stating that the site is suitable for the intended development and use.*

The Site Audit Statement must be unconditional, in that, it must not include any conditions requiring or recommending any works or monitoring after the commencement of building works. The site audit statement shall be developed and prepared in accordance with the following:

- a. *The proponent shall engage the services of a site auditor holding current accreditation in accordance with sections 49 and 50 of the Contaminated Land Management Act 1997.*
- b. *All remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environment Protection Authority and Planning NSW, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
- c. *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- d. *Site remediation for any part of the site must be completed prior to the issue of a subdivision certificate for that part of the site. No subdivision certificate will be issued for any part of the site until the receipt by Council of an acceptable site audit statement for that part of the site.*
- e. *Any beneficial reuse of material onsite is to be monitored and classified by a suitably experienced environmental specialist, together with the site auditor. Such material must be certified by a Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council **prior to the commencement of building works**. The site audit statement issued to Council shall be unconditional, in that it requires no further monitoring, on going review or remedial actions, and shall cover both land and groundwater.*
- f. *The Consultant and Auditor, in their assessment of appropriate soil*

investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.

- g. *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.*
124. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
125. *Should any underground tanks be discovered they shall be removed in accordance with:*
- *NSW Environmental Protection Authority Guidelines,*
 - *Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and*
 - *WorkCover NSW requirements.*

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

126. *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*
127. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*

NOISE EMISSION / AMENITY CONDITIONS:

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

128. *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.*

129. *In this regard, the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with Environmental Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, in accordance with the relevant provisions of the NSW Environmental Protection Authority's Environmental Noise Control Manual, Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997.*
130. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be **submitted to Council prior to a construction certificate being issued** for the development, which demonstrates and confirms that noise and vibration emissions from the development (excluding construction works) will comply with the relevant provisions of the Kensington Development Control Plan, the Environmental Protection Authority Industrial Noise Policy and relevant conditions of approval.*
131. *The report is to include assessment of the potential for noise to be experienced within the nearby residential units from traffic, plant, equipment and the use and operation of the premises, including the use and operation of the student common room and associated BBQ / common area. Details of proposed noise mitigation and attenuation measures are to be provided to Council and be included in the construction certificate.*
132. *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, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

ENVIRONMENTAL POLLUTION & CONTROL:

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

133. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
134. *There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
135. *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.*
136. *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.

PRESCRIBED CONDITIONS & FIRE SAFETY:

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

- 137. 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.*
- 138. 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.*
- 139. 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.*
- 140. 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.*
- 141. 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.*
- 142. 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.*
- 143. 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 \$5,000.*

*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.*

STRUCTURAL:

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

144. *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.*

145. *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.

146. *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.*

147. *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, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.*

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

148. *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.***

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

CONSTRUCTION MANAGEMENT:

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

150. *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.***
151. *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.*
152. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by 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 details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

153. *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 supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling 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 and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

154. *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.*
155. *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.*
156. *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.*
157. *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.*
158. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*

159. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*

160. *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.

161. *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 license number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

162. *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.*

163. *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.

164. *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.*

165. *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.

166. *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".*
167. *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.

168. *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 stockpiles 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 stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

169. *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.

170. *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.

171. *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.*

172. *Public safety must be maintained at all times and 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.

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

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

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

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

174. A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.

175. 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.

ACCESS & FACILITIES FOR DISABLED:

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

176. Access and facilities for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia.

177. Access, facilities and car parking for people with disabilities must be provided 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 car parking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.

LOCAL GOVERNMENT LEGISLATION & POLICIES OF COUNCIL:

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

178. *Places of shared Accommodation must comply with the Local Government (Orders) Regulation 1999 and the premises must be registered with the Council on an annual basis, and the approved registration/inspection fee is to be forwarded to Council prior to occupancy.*

ADVISORY MATTERS:

- A1 *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.

- A2 *The applicant has indicated that they intend to upgrade the section of Councils footpath located between the cul-de-sac in Lorne Avenue and Addison Street. All work in this area shall be undertaken in accordance with Council's Urban Design Guidelines for Kensington Commercial Centre and shall be to the satisfaction of the Director of Asset and Infrastructure Services Department. The applicant shall meet all costs associated with the upgrading works.*

The applicant is advised to contact Council's Landscape Technician on 9399 0913 regarding this matter.

- A3 *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.*

- A4 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- | | | | |
|----|-------------|---|-------------------------------------|
| a) | Part C2 | - | Compartmentation and separation |
| b) | Part D1 | - | Provisions for escape |
| c) | Clause D1.4 | - | Exit travel distances |
| d) | Part D2 | - | Construction of exits |
| e) | Part D3 | - | Access for people with disabilities |
| f) | Part E1 | - | Fire fighting equipment |

- g) Part E2 - Smoke Hazard Management
- h) Part E3 - Lift Installations
- i) Part E4 - Emergency lighting, exit signs & warning systems
- j) Part F2 - Sanitary and other facilities
- k) Part F4 - Light and ventilation
- l) Part F5 - Sound Transmission and Insulation

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

- A5 *That a Traffic Study be submitted to Council regarding the feasibility of reducing traffic flow into Lorne Avenue by opening the cul-de-sac to allow one-way vehicular entry from Anzac Parade, via Addison Street, into Lorne Avenue and this Study be submitted to the Randwick Traffic Committee for consideration.*

MOTION: (Procopiadis/Schick) SEE RESOLUTION.

9.9 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 69/2003 - 832 ANZAC PARADE, MAROUBRA - THE GOLDEN GROVE TAVERN, VARIATION OF SUNDAY TRADING HOURS - LICENSING COURT PROCEEDINGS NO. 220301.00. (P/014614)

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

- a) *Having regard to the fact that there were no residents' objections, Council not make a submission to the application made by Jenny-Lee Rollins (Licensee) to the Licensing Court of New South Wales, for the variation of Sunday trading hours from the current 10.00pm closing time, to a midnight close. pursuant to s. 25 (7) of the Liquor Act 1982, in respect to premises situated at 832 Anzac Parade, Maroubra known as The Golden Grove Tavern; and*
- b) *Council notify the Licensing Court and the applicant, accordingly.*

MOTION: (Bastic/Daley) SEE RESOLUTION.

RESOLVED: (Bastic/Andrews) that Item 13.1, Confidential Director, Governance, Management & Information Services' Report 21/2003 – Service for Voice, Mobile and Data, be dealt with at this stage of the Meeting – See Minute No. 210.)

PROCEDURAL MOTION: (Bastic/Andrews) SEE RESOLVED.

10. PETITIONS.

10.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OF FRENCHMANS ROAD OPPOSING THE DEVELOPMENT AT 62 FRENCHMANS ROAD, RANDWICK. (98/S/1173 xr D/0561/2003)

199 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/White)* that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

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

11. MOTIONS PURSUANT TO NOTICE.

**11.1 BY COUNCILLOR PROCOPIADIS – WOMENS' ATHLETIC FIELDS.
(98/S/1275 xr 98/S/0178)**

Councillor Procopiadis withdrew this Motion Pursuant to Notice, with the consent of the Council.

**11.2 BY COUNCILLOR PROCOPIADIS – 276 DONCASTER AVENUE AND
EDWARD STREET, KINGSFORD. (R/0628/02 xr 98/S/0178)**

200 **RESOLUTION:** *(Procopiadis/Tracey)* that a report be prepared on the possible sale of a parcel of land adjacent to No. 276 Doncaster Avenue and Edward Street, Kingsford to the owner of the above address.

MOTION: (Procopiadis/Tracey) SEE RESOLUTION.

**11.3 BY COUNCILLOR MATTHEWS – BUS SHELTERS IN THE CITY OF
RANDWICK. (98/S/3690 xr 98/S/0178)**

MOTION: (Matthews/Matson) that due to tendency of vandals breaking glass in bus shelters that this Council request JCDecaux to give consideration to installing non breakage clear plastic or other appropriate material to replace glass in all bus shelters in the City of Randwick. **LOST**

**11.4 BY COUNCILLOR WHITE – PARTY HARD PARTY SAFE PROGRAM.
(98/S/4319 xr 98/S/0178)**

201 **RESOLUTION:** *(White/Daley)* that Council investigate implementing its own Party Hard Party Safe Program that is operating in other Councils, and refer it to the Youth Advisory Committee and Police Accountability Committee.

MOTION: (White/Daley) SEE RESOLUTION.

**11.5 BY COUNCILLOR WHITE – INSTALLATION OF PRAM RAMP AT
IRETON STREET AND PRINCE EDWARDS STREET, MALABAR.
(R/0407/01 xr R/0628/01 xr 98/S/0178)**

202 **RESOLUTION:** *(White/Daley)* that Council install pram ramps on the four corners of Ireton Street and Prince Edward Street at Malabar.

MOTION: (White/Daley) SEE RESOLUTION.

**11.6 BY COUNCILLOR WHITE – YARRA BAY BICENTENNIAL PARK.
(98/S/1792 xr 98/S/0178)**

203 **RESOLUTION:** (*White/Daley*) that Council investigate and report on ways to increase the amount of parking spaces in and around Yarra Bay Bicentennial Park and include ways to reduce the amount of car break-ins.

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

11.7 BY COUNCILLOR MATSON – CONCERN COOGEE BEACH PLAN OF MANAGEMENT PROPOSAL FOR ROSS JONES MEMORIAL POOL. (98/S/1705 xr 98/S/0178)

204 **RESOLUTION:** (*Backes/Tracey*) that Mr Wards submission be assessed by Council staff in conjunction with the consideration of the Coogee Beach Plan of Management.

MOTION: (*Matson/Greenwood*) that Council notes Mr Noel Ward's concerns over access issues for older users of the Ross Jones' Memorial Pool in relation the Coogee Beach Plan of Management intention to retain the stone piers and chains around the pool. Further, Council will debate removing some of the devices upon receiving the outcome of the assessment into the matter currently being undertaken by Council's Manager, Design.

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

11.8 BY COUNCILLOR ANDREWS – SPORTING HALL OF FAME. (98/S/3060 xr 98/S/0178)

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

- a) Council update its Sporting Hall of Fame Honour Board as resolved by Councils resolution on 16 February 1993;
- b) Council call for nominations from sporting bodies and the general public for suitable sporting identities to be considered for inclusion in the Sporting Hall of Fame; and
- c) A suitable Civic Reception be held to recognise the identities nominated for inclusion in the Sporting Hall of Fame.

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

11.9 BY COUNCILLOR ANDREWS –ALCOHOL FREE ZONES IN MAROUBRA JUNCTION. (98/S/1285 XR 98/S/0178)

This Motion Pursuant to Notice was withdrawn by Councillor Andrews, with the consent of the Council.

11.10 BY COUNCILLOR MATSON – QUALIFICATION OF COUNCIL'S POSITION ON STRUCTURAL REFORM AND PROPOSED BORDER CHANGES. (98/S/0063 xr 98/S/0178)

(Note: This item was dealt with in conjunction with Item 5.4, Mayoral Minute No. 47/2003.)

11.11 BY COUNCILLOR MATSON – NEED FOR BUS SHELTER AT BREAM/MOUNT STREET INTERSECTION. (R/0113/01 xr R/0546/01 xr 98/S/0178)

206 **RESOLUTION:** (*Matson/Greenwood*) that a report be submitted to Councillor Matson on

the proposed schedule for the installation of the bus shelter by JCDecaux at the intersection of Mount and Bream Street, Coogee.

MOTION: (Matson/Greenwood) SEE RESOLUTION.

11.12 BY COUNCILLOR GREENWOOD – OPPOSITION TO PROPOSED CLOSURE OF DEPARTMENT OF EDUCATION & TRAINING DISTRICT OFFICES AND IMPACTS ON TAFE. (98/S/3574 xr 98/S/0178)

This Motion was Ruled out of Order by the Mayor.

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

11.13 BY COUNCILLOR BASTIC – TRAFFIC CALMING DEVICES IN ELPHINSTONE ROAD, RANDWICK. (R/0270/02 XR 98/S/0178)

207 **RESOLUTION: (Bastic/Andrews) that a report be submitted on traffic calming measures in Elphinstone Road.**

MOTION: (Bastic/Andrews) SEE RESOLUTION.

11.14 BY COUNCILLOR BASTIC - CONSTRUCT FENCE IN ELPHINSTONE ROAD ADJOINING RANDWICK CEMETERY. (R0270/02 XR 98/S/3278 XR 98/S/0178)

208 **RESOLUTION: (Bastic/Andrews) that Council initiate discussions with the Department of Housing to build a fence adjoining the Housing estate in Elphinstone Road and Randwick Cemetery.**

MOTION: (Bastic/Andrews) SEE RESOLUTION.

11.15 BY COUNCILLOR NOTLEY-SMITH – GARBAGE BINS. (98/S/3278 xr 98/S/0178)

(Councillor Bastic left the Chamber at this stage of the Meeting.)

MOTION: (Notley-Smith/Seng) that Council immediately implements a program to install a council garbage bin at all bus stops in the City of Randwick. LOST.

11.16 BY COUNCILLOR NOTLEY-SMITH – GARBAGE BINS - HAVELOCK AVE, COOGEE. (98/S/3278 XR R/0365/01 XR 98/S/0178)

MOTION: (Notley-Smith/Seng) that the Council owned bins in Havelock Ave, Coogee be immediately replaced with new stainless steel bin surrounds of the type used in the vicinity of the Coogee beachfront, and extra bins be provided on the northern side of the street. LOST.

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

For	Against
Greenwood	Andrews

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

11.17 BY COUNCILLOR NOTLEY-SMITH – UPGRADING OF HAVELOCK AVE, COOGEE. (R/0365/01 XR 98/S/0178)

(Councillor Bastic returned to the Chamber at this stage of the Meeting.)

MOTION: (Notley-Smith/Seng) that a report be brought before the Works Committee on the upgrading and maintenance of the public domain in Havelock Ave, Coogee with regard to but not limited to:

- a) Resurfacing of the footpaths with pavers as used in other commercial precincts;
- b) Replanting of existing and installation of new gardens beds;
- c) Installation of planter boxes;
- d) Improved street lighting;
- e) Street signage to explain the history of the precinct and re-affirm the area’s traditional name of “The Bundy”; and
- f) Ongoing maintenance scheme and upkeep of the area including street sweeping and weeding. **LOST.**

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

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

11.18 BY COUNCILLOR MATSON – AMALGAMATION PROPOSALS AND NEED FOR URGENT STRATEGY PLAN TO DEAL WITH HEALTH RISKS FROM CONTAMINATED BOTANY BAY AQUIFER. (98/S/0797 XR 98/S/0178)

(Note: This item was dealt with in conjunction with Item 5.4, Mayor’s Minute No. 47/2003.)

11.19 BY COUNCILLOR MATSON – COMPLAINT RE: RANDWICK RUGBY CLUB ADHERENCE TO CONDITIONS OF LIQUOR LICENSE. (D/0407/2003 xr 98/S/0178)

(Cr Daley declared an interest as he is a Director of the Club and he left the Council Chamber

and took no part in the voting or discussion.)

MOTION: (Matson/Greenwood) that Council will authorise the General Manager to write to the CEO of the Randwick Rugby Club informing him that it is aware of a resident's complaint that the Club did not abide by the condition of its liquor license on the 16th and 17th of August, 2003. That further, the General Manager will request that the CEO explain why the Council should not make an official complaint under the Liquor Act. **LOST.**

**11.20 BY COUNCILLOR WHITEHEAD – KENSINGTON TOWN CENTRE.
(98/S/4343 xr 98/S/0178)**

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

MOTION: (Whitehead/Matson) that Randwick City Council produces for Council's consideration the Kensington Town Centre Style Guide referred to on Page 94 of the Kensington Town Centre Development Control Plan and that this Style Guide be made available to developers prior to the lodgement of development applications to assist them in meeting compliance requirements. **LOST.**

12. URGENT BUSINESS.

**12.1 URGENT BUSINESS – LETTER OF APPRECIATION – MEMORIAL
PLAQUE - BALI BOMBINGS. (98/S/2854)**

209 **RESOLUTION: (White/Bastic)** that permission is hereby granted to Councillor White to bring forward to the meeting and transact business of great urgency concerning a memorial plaque for a victim of the Bali Bombing.

210 **RESOLUTION (Further): (White/Bastic)** that Council note the following contents of a letter from Mr Ron Saville of 1463 Anzac Parade, Little Bay sent to Cr White:

“On behalf of the friends of the late Steve (Fish) Buchan, we would like to sincerely thank you, the Mayor and fellow Councillors for your gracious help in obtaining a plaque for Steve's Memorial.

The Plaque has been set in sandstone and erected on the fifteenth tee of the Coast Golf Club.

It is a magnificent memorial to the memory of Steve and greatly appreciated by his family and many friends. Once again many thanks for your help.”

MOTION: (White/Bastic) SEE RESOLUTION.

His Worship the Mayor, Cr D. Sullivan, ruled that the business proposed to be brought forward, concerning a memorial plaque for a victim of the Bali bombing, was of great urgency.

MOTION (Further) : (White/Bastic) SEE RESOLUTION. (Further)

13. CONFIDENTIAL REPORT.

13.1 CONFIDENTIAL DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 21/2003 - SERVICES FOR VOICE, MOBILE AND DATA. (98/S/2628)

(Note: This item was dealt with following the conclusion of item 9.9.)

211 **RESOLUTION:** *(Daley/Bastic) that based on the Evaluation Report, the following carriers be endorsed:*

- (a) Telstra for continuing provision of fixed voice services;*
- (b) Vodafone for the provision of mobile services, except for Councillors' services which will remain with the current provider (Telstra);*
- (c) Flow Communications for the provision of Internet services; and*
- (d) Nextep (NEC) for the provision of data network services.*

and endorsement is granted to issue Formal Orders (under the conditions of the panel contract DITM 2000.1) for the provision of the above services for a 3 year term, with 2 x 1 year optional extensions.

MOTION: (Daley/Bastic) SEE RESOLUTION.

14. COMMITTEE-OF-THE-WHOLE.

Nil.

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

Nil.

16. NOTICE OF RESCISSION MOTIONS.

16.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS SULLIVAN, DALEY, WHITE, BASTIC & SENG – ORDINARY COUNCIL MEETING 26TH AUGUST, 2003 – ITEM 9.4, DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT NO. 64/2003 – 56 HELENA STREET, RANDWICK. (D1219/2002)

(Note: As the application for 56 Helena was not determined at this meeting, the rescission motion has no effect and the application will be listed on the agenda of the Health, Building & Planning Committee Meeting to be held on 9th September, 2003 for determination.)

16.2 NOTICE OF RESCISSION MOTION BY COUNCILLORS WHITEHEAD, MATSON & GREENWOOD – ORDINARY COUNCIL MEETING 26TH AUGUST, 2003 – ITEM 9.3, DIRECTOR PLANNING 63/2003 – 214-239 ANZAC PARADE & 214 DARLING STREET, KENSINGTON. (D/0195/2003)

(Note: This Rescission Motion will be dealt with at the Extraordinary Council Meeting to be held on 9th September, 2003.)

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 11.28 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 23RD SEPTEMBER, 2003.

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CHAIRPERSON