

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 10TH FEBRUARY, 2004 AT 6:30 P.M.**

PRESENT:

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

Councillor M. Daley (South Ward) (Chairperson)

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

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Assets & Infrastructure Services	Mr. M. Savage.
Director Planning & Community Development	Ms. S. Truvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

1. APOLOGIES.

Nil.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 2ND DECEMBER, 2003.

H1 **RESOLUTION:** *(White/His Worship the Mayor, Cr D. Sullivan) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 2nd December, 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: (Procopiadis/White) that the meeting be adjourned at 6.31 p.m. and be further adjourned at 7.15 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

Prior to consideration of the Agenda by the Committee, the following deputations were received in respect of the following matters:

5.1 DEVELOPMENT APPLICATION REPORT: 48 ARCADIA STREET, COOGEE.

The Applicant Mr Simon Patterson 48 Arcadia Street, Coogee

5.2 DEVELOPMENT APPLICATION REPORT: 567 MALABAR ROAD MAROUBRA.

The Objector Ms Lily Rahim 2 Scott Street, Maroubra

The Applicant Mr Michael Garnett 567 Malabar Road, Maroubra

5.3 DEVELOPMENT APPLICATION REPORT: 552 BUNNERONG ROAD, MATRAVILLE.

The Objector Ms Christine Lloyd 64 Harold Street, Matraville

The Applicant Mr Craig Shelsher 132 Carrington Road, Waverly

5.4 DEVELOPMENT APPLICATION REPORT: 15 CASTLE STREET RANDWICK.

The Objector Ms Annabelle James 17 Castle Street, Randwick

5.5 DEVELOPMENT APPLICATION REPORT: 48-58 MAROUBRA ROAD & 63 ROYAL STREET, MAROUBRA.

The Objector Mr Bob Scheacher 61 Maroubra Road, Maroubra

The Applicant Ms Jodie Wauchope 6 O'Connell Street, Sydney

The meeting was resumed at 7.40 p.m.

4. MAYORAL MINUTES.

(Note: The Mayoral Minutes were dealt with after Item 6.3 on the agenda.)

4.1 MAYORAL MINUTE 8/2004 - RAINWATER TANKS - KENSINGTON PUBLIC SCHOOL. (P/007534)

H2 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that:**

- a) *Council note the environmental initiative demonstrated by Kensington Public School, through its integrated Environmental Management Plan; and*
- b) *Council contribute \$1500.00 to Kensington Primary School from the Councillors' bid allocation towards the purchase of rainwater tanks, and that the School be requested to acknowledge Council's contribution accordingly.*

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

4.2 MAYORAL MINUTE 11/2004 - END OF TERM DINNER. (98/S/5467)

H3 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that:**

- a) *An End of Term Dinner be held on Saturday, 6th March 2004; and*
- b) *A small token of appreciation be presented to each of the Councillors not standing for re-election.*

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

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 48 ARCADIA STREET, COOGEE. (D/0969/2003)

H4 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Andrews) that:**

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 969/2003 for Alterations and additions to the existing dwelling house at 48 Arcadia Street, Coogee subject to the following conditions:-*

- 1 *The development must be implemented substantially in accordance with the plans, numbered 11, dated October 2003 and received by Council on 24 October 2003, the amended plan, unnumbered, undated, and received by Council on 1 December 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

- 2 *The vehicular crossing is to have a maximum width of four metres at the kerb.*
- 3 *The colours, materials and finishes of the external surfaces to the proposed shed and shade sails structure are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building.*
- 4 *The roof of the proposed shed must be constructed in accordance with the amended plans received by Council on 1 December 2003. Details of the roof design are to be provided in the construction certificate plans.*

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

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

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

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

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

- 6 *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.

- 7 *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.*

- 8 *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.*

- 9 *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.*

- 10 *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 / Notice of Intention to commence building work.

- 11 *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 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:

- 12 *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.*
- 13 *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 or, upon finalisation of works if no occupation certificate is issued.

- 14 *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.*
- 15 *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.

- 16 *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.

- 17 *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
- 18 *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.*
- 19 *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.*
- 20 *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.

Landscape Conditions

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

- 21 *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
- 22 *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but*

not be limited to, watering, mowing, fertilising, and the removal of weeds.

- 23 *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.*
- 24 *Permission is granted for the selective pruning of overhanging branches from the Liquidambar styraciflua (Liquidambar) tree located on the adjoining property. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

Tree Protection Measures

- 25 *In order to ensure the retention of the two (2) Archontophoenix cunninghamiana (Bangalow palms) located in the rear yard 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 1 metre 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.*

Security Deposit Conditions

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

- 1) *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*
- a) \$700.00 - *Vehicular crossing deposit*

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

Traffic conditions/Civil Works Conditions

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

- 2) *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a) *Reconstruct/extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
- 3) *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.*
- 4) *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

- 5) *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.*
- 6) *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.*
- 7) *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$88.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

- 8) *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.

- 9) *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.*

Advisory Conditions

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

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

5.2 DEVELOPMENT APPLICATION REPORT - 567 MALABAR RD MAROUBRA. (D/0573/2002)

(Note: A Rescission Motion on this matter was submitted to the General Manager prior to the close of the Meeting.)

- H5 ***RESOLUTION: (Matthews/Bastic) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.573/2002 on property 567 Malabar Rd Maroubra by deleting condition No. 5 to amend the design of the privacy screen and to increase the area of the rear first floor deck, thereby deleting condition No. 4 and increasing the roof area over the rear first floor deck.***

MOTION: (Matthews/Bastic) SEE RESOLUTION.

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

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

5.3 DEVELOPMENT APPLICATION REPORT - 552 BUNNERONG ROAD, MATRAVILLE. (D/0448/2003)

- H6 ***RESOLUTION: (White/Procopiadis) that this application be deferred to allow both the residents and the applicant to study the changes proposed by Council Officers and for the applicant to submit amended plans.***

MOTION: (White/Procopiadis) SEE RESOLUTION.

5.4 DEVELOPMENT APPLICATION REPORT - 15 CASTLE STREET RANDWICK. (D/0594/2002)

H7 **RESOLUTION:** *(Tracey/Procopiadis) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to delete condition 2 of Development Consent No. D/594/2002 on property 15 Castle Street Randwick requiring the painting of the Southern boundary wall facing 17 Castle Street.*

MOTION: (Tracey/Procopiadis) SEE RESOLUTION.

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

5.5 DEVELOPMENT APPLICATION REPORT - 48-58 MAROUBRA ROAD & 63 ROYAL STREET, MAROUBRA. (D/0758/2003)

H8 **RESOLUTION:** *(Andrews/His Worship the Mayor, Cr D. Sullivan) that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 758/2003 for Demolition of existing car yard and construction of a 3-6 storey multi-unit housing development at 48-58 Maroubra Road and 69 Royal Street for the following reasons:-*

- a) *The proposed FSR is considered to be excessive and results in a building which is incompatible with the bulk and scale of neighbouring development;*
- b) *The height of the proposed building is excessive in relation to the established streetscape and scale of surrounding development;*
- c) *The excessive height and FSR of the proposal result in an overdevelopment of the site;*
- d) *The proposal will increase traffic in the area to the detriment of the local traffic network and residential amenity;*
- e) *The proposal will result in visual privacy impacts to surrounding dwellings, including those on Glanfield Street and those adjacent the site to the east;*
- f) *The provision of commercial uses in this location is contrary to the objectives for the Maroubra Junction Town Centre and the desired future character of the Residential 2A zone;*
- g) *The form of development proposed (mixed use residential flat building) is not well suited to the site's location in a 2A zone. The site is considered unsuitable for the proposed use; and*
- h) *The proposal is inconsistent with the objectives of the Residential 2A zone pursuant to Randwick Local Environmental Plan 1998 and as such will adversely affect the character and amenity of the immediate locality.*

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

6. MISCELLANEOUS.

6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 1/2004 - MASTER PLAN AND DEVELOPMENT APPLICATION FOR PROPOSED LOT 20 NO. 9 BUMBORAH POINT ROAD, MATRAVILLE. (98/S/5296 xr D/0991/2003)

H9 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan/White*) that:

- A. *Council adopts the Master plan for proposed Lot 20 in subdivision of Lot 10 DP 1050506 at No. 9 Bumborah Point Road, Matraville.*
- B. *Council as the responsible authority grant its development consent under the provisions of Section 80 of the Environmental Planning and Assessment Act 1979 (as amended), to Development Application No. 991/2004 for permission to erect a freight handling facility containing three warehouse buildings and two office buildings, 24 hours per day, seven days per week at No. 9 Bumborah Point Road, Matraville, subject to the following conditions:*
- 1. The development must be implemented substantially in accordance with the plans numbered TP01 Rev B, dated 18.07.03 and received by Council on 30 October 2003, TP02 Rev A, dated 22.07.03 and received by Council on 30 October 2003, TP03 Rev A, dated 22.07.03 and received by Council 30 October 2003, TP04 Rev A, dated 28.07.03 and received by Council 30 October 2003, L01 Rev A and L02 Rev A, dated 29.08.03 and received by Council 30 October 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

- 2. The colours, materials and finishes of the external surfaces to the buildings are to be in accordance with the plans titled "proposed office and warehouse development" prepared by pH group of companies and received by Council 30 October 2003.*
- 3. At no time shall offensive or hazardous materials be stored on the site or transported through the site in containers.*
- 4. The fire access tracks are to remain clear and unimpeded at the times. At no time shall containers be stacked or vehicles be parked across the track.*
- 5. Containers are to be stacked no higher than 4 if full and 5 if empty. Containers are to be stacked in the designated areas of the approved plan only and are not permitted to be stacked in any other areas on the site without the prior written consent of Council.*
- 6. The number of truck movements is restricted to a maximum of 65 per day each way.*
- 7. All works associated with the proposed development shall be at no cost to the RTA.*

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

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

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:

9. *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.*
10. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

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

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

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

11. *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.

12. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
13. *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.*
14. *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.

15. *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.*
16. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit-outs', in accordance with the requirements 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:

17. *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.

18. *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.*
19. *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:

20. *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.*

21. *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.

22. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and 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.

23. *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.*
24. *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.*
25. *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.*
26. *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.*
27. *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.*
28. *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.*
29. *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.

30. *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.*
31. *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.*

32. *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.

33. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
34. *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.*
35. *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".*
36. *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.

37. *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.

38. *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.

39. *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

40. *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.*
41. *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.*
42. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council*

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

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

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:

44. *The operation of all plant and equipment shall not give rise to 'offensive noise' as defined in the Protection of the Environment Operations Act 1997. In this regard, the project specific criteria for the plant and equipment noise emissions from the proposed facility (as listed in the acoustical report dated 27 October 2003, prepared by Richard Heggie & Associates) when measured at the nearest receiver will be:*
 - *LAeq (15minute) noise from the facility should not exceed 46 dBA, 44dBA and 39 dBA (day, evening and night-time periods respectively) at the nearest residential boundaries to the north*

- *LAeq (15minute) noise from the facility should not exceed 70 dBA during hours of use at the nearest industrial boundary*
 - *LAeq (15minute) noise from the facility should not exceed 50 dBA during hours of use at the Eastern Suburbs Crematorium boundary.*
45. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **within one month of an occupation certificate being issued** for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's development consent.*
46. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

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:

47. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
48. *The development, management and maintenance of the site is to be carried out in accordance with:*
- *the 'Site Management Plan for the Bunnerong Power Station Site, Lots 11,20,21,22 and 23 Bumborah Point Road, Port Botany- Final Plan Version 7' dated 25 November 2003 (Reference No. 43027-015 R001-Rev 7) prepared by URS Australia Pty Ltd*
49. *All chemicals on the site shall be stored in accordance with:*
- *Australian Standard AS 94-1993: The Storage and Handling of Flammable and Combustible Liquids*
 - *Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management)*
50. *Sufficient supplies of appropriate absorbent materials and/or other spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills being cleaned up using dry methods only.*
51. *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.*
52. *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.*
53. *The delivery, handling and use of LP Gas is to be carried out in accordance with:*

- a. AS/NZS 1596:2002: *The storage and handling of LP Gas*
54. *Hazardous waste, liquid waste asbestos or asbestos products and dangerous goods are not to be stored or processed at the site.*
55. *Liquid and solid wastes generated on the site being collected, transported and disposed of in accordance with the Protection of the Environment Operations Act 1997. Records shall be kept of all waste disposal from the site.*
56. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
57. *An Emergency Response Management Plan being prepared and submitted to Council's satisfaction before the issue of an Occupation Certificate. The plan shall include:*
- *list of chemicals and maximum quantities permitted to be stored at the site at anyone time*
 - *identification of potentially hazardous situations*
 - *procedure for incident reporting*
 - *details of spill stations and signage*
 - *containment and clean up facilities and procedures and;*
 - *the roles of all staff in the Plan and details of staff training*
58. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*
59. *The open parking area(s) and paved areas must drain to a storm water treatment device capable of removing litter, oil, grease and sediment prior to discharge to the storm water system, complying with:*
- a. *The Storm Water Management Plan prepared by Sydney Ports Corporation*
- b. *Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Storm water First Flush Pollution); and*
- c. *Environment Protection Authority's Managing Urban Storm water: treatment techniques*
- The stormwater treatment device(s) being maintained at all times.*
60. *Sign(s) being displayed and maintained adjacent to all stormwater drains on the premises, clearly indicating "**Clean water only – no wastewater or rubbish**"*

SECURITY DEPOSIT CONDITIONS

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

61. *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) *\$2,000 – Security damage deposit*

The damage deposit may be provided by way of a cash or cheque with 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 the existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

62. *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.*

a) *\$2000 – Vehicular crossing deposit*

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

TRAFFIC CONSIDITIONS/CIVIL WORKS

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

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

a) *Construct a full width industrial strength vehicular crossing opposite the proposed vehicular entrance to the carparking area of Bumborah Point Road. It is noted that this shall include all associated works required to facilitate the new crossing i.e. line marking, signage, pavement reconstruction, etc*

The design and construction of the new gutter crossing is to be in accordance with RTA requirements

b) *Reconstruct any damaged sections of kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*

64. *The applicant must meet the full cost for Council or a Council approved contractor or repair/replace any damaged sections of Council's footpath, kerb and 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.*

65. *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.*
66. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site of splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
67. *The carparking areas shall comply with the requirements of AS 2890.1 (1993) (Off Street Car Parking).*
68. *All heavy vehicle manoeuvring/parking areas shall comply with the requirements of AS 2890.2 (1989).*
69. *Provision shall be made for the safe movement of pedestrians throughout the site. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
70. *Prior to the commencement of any construction works, full time "No Stopping" parking restrictions are to be implemented along the Bumborah Point Road site frontage, with all associated costs to the met by the applicant.*

The applicant is to contact Council's Traffic Engineer to arrange for the installation of this signposting.

71. *Provision shall be made onsite for all construction related activities. This condition has been included to alleviate any need to park construction vehicles along Bumborah Point Road.*
72. *All loading and unloading operations must occur entirely within the site.*
73. *Appropriate left turn only signage shall be provided at the carpark exit in Bumborah Point Road. It is noted that this sign age is to reinforce the existing left turn restriction imposed by the median island in Bumborah Point Road.*
74. *At no time shall vehicles queue or park along Bumborah Point Road and Golden Grove Road.*

ALIGNMENT LEVEL CONDITIONS

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

75. *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:*

- *100mm above the top of the kerb at all points opposite the kerb, along the full site frontage.*

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

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

76. *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.*

77. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1731 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.*

SERVICE AUTHORITY CONDITIONS

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

78. *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.*

79. *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.*

80. *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.*

81. *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.*

82. *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.sydnewater.com.au then the "e-developer" icon or telephone 132092.*

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 Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

DRAINAGE CONDITIONS

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

83. *A swale capable of intercepting and safely transferring all overland flows arriving at the site during a 1 in 100 year storm event shall be provided within the easement along the eastern site boundary. The swale shall direct all flows north to the adjoining property and should be constructed in general accordance with the design and recommendations set out in the submitted 'external flood study report' prepared by GHD Pty Ltd, dated 8 October 2003. Alternative swale designs may be adopted subject to compliance with the following parameters;*

- *The swale shall be sized to contain the 1 in 100 year flows with a minimum 300 mm free board.*
- *The swale shall be designed with suitable scour protection.*
- *All stormwater runoff currently draining to the site from external catchments shall be collected and directed into the swale.*
- *Stormwater runoff from within the swale shall be directed into the proposed swale located within this adjoining development site to the north.*
- *The depth of flow within the swale should not exceed 300mm unless childproof fencing is provided along the edge of the swale.*
- *The velocity x depth safety factor for flow in the channel should not exceed 0.4*

A detailed design for the proposed swale to be located along the eastern property boundary (including scour protection) shall be undertaken by a suitably qualified civil engineer, who shall at the completion of the works, certify that the swale has been constructed in accordance with the approved design. A copy of the swale details shall be submitted to the certifying authority prior to the issuing of a construction certificate.

The plans submitted for the construction certificate shall demonstrate compliance with this condition and the swale shall be constructed prior to any other construction works being undertaken on the site.

84. *Works on the site must not inhibit the existing or future operation of the easement along the rear of the site.*
85. *Prior to the issuing of a construction certificate, engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage must be submitted to and **approved by Sydney Ports and 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, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1998 edition.*
 - b. *A layout of the proposed drainage system including location of all detention basins, pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into the existing stormwater system.*
 - 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. up to a 1 in 100 year storm) to the proposed drainage system.*
 - d. *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e. *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to the design alignment levels.*
 - f. *The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.*
86. *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.*
87. *Onsite detention shall be provided to ensure that all stormwater runoff from the site (up to the 100 year ARI storm) is retained on the site and gradually discharged to the trunk drainage system (located through the middle of the site) at a rate not exceeding the runoff from the site during a 20 year ARI storm.*
88. *The site shall be suitably graded and a vee-drain or other suitable structure shall be constructed along the perimeter of the proposed development site to*

contain and direct any overflows for up to a 100-year ARI storm to the onsite detention system and the trunk drainage culvert system.

89. *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.

90. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
91. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
92. *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).

93. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
94. *Stormwater pipes shall be located in accessible locations.*
95. *Pump out systems will only be considered if the applicant can demonstrate that it is not possible to manage stormwater runoff in any other manner.*

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.

96. *The applicant shall provide Stormwater Pollution Control device/s (SWPC) over the outlet pipelines that discharge from the site/into the box culvert system. The SWPCs shall be capable of collection and containment of liquids, sediments and trash and shall treat all runoff up to the 3 month ARI magnitude for liquid, litter and sediments.*

The SWPCs shall be constructed with a sign adjacent to this pit stating that:

"This Pollution Control pit shall be regularly inspected and cleaned. "

All details of the proposed SWPC Devices are to be submitted to the Sydney Ports Corporation and the certifying authority for approval and approved, prior to the issuing of a construction certificate.

97. *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 Sydney Ports and Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate. The plan shall detail:*
- i) The location of the drainage easement/s, the associated pipelines within the easements including the pipe diameters, invert levels and finished surface levels.*
 - ii) Details of the stormwater drainage pipelines within the development site. These details shall include location, diameters, gradients, etc*
 - iii) The location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available.*
98. *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.*
99. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*
100. *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.*

WASTE MANAGEMENT CONDITIONS

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

101. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
102. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the both the commercial and industrial components of the development site, post construction.*

LANDSCAPE CONDITIONS

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

103. *The landscaped areas shown on the plan number LO1 dated 29.08.03 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees 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. *The plant species selected for the landscape areas shall be those with a low weed potential, and that will not cross-pollinate with plants in adjacent/nearby bush land.*
104. *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. *In order to prevent overhang into garden beds, concrete wheelstops shall be located to all carspaces. Such wheelstops shall be positioned in accordance with the Australian Standard of Parking Facilities - off-street car parking, AS2890.1- 1993 and shall be shown on the detailed landscape drawings and specifications. Such works shall be installed prior to the issue of a final Occupation Certificate.*
106. *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*
107. *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.*

108. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied. by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
109. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
110. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
111. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

Tree Management

112. *Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of the remaining trees on the site are subject to separate application under the Tree Preservation Order.*

Tree Protection Measures

113. *In order to ensure the retention of the two (2) Eucalyptus robusta (Swamp Mahogany) trees located within the site along the Bumborah Point Road 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. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3 metres from the outside edge of the tree trunks.*
 - c. *The trees are to be physically protected by the installation of protective*

fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 4 metres from the outside edge of the tree trunk.

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

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

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

- e. Any excavations required for footings, structures, retaining walls, basement carpark, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 5 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- f. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- g. Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.*
- h. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- i. A refundable deposit in the form of cash or cheque of \$4100.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
Two (2)	<i>Eucalyptus robusta (Swamp Mahogany)</i>	\$4100.00
	TOTAL	\$4100.00

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the trees have been retained in good health.

Any contravention of Council's conditions relating to the {tree or trees} at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

114. *A refundable deposit in the form of cash, cheque, or bank guarantee for the amount of \$5000 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
 - a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

Advisory Matters

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

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.

2. *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.*
3. *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 D1 - Provisions for escape*
- b) *Part D3 - Access for people with disabilities*
- c) *Part E1 - Fire fighting equipment*
- d) *Part E2 - Smoke Hazard Management*
- e) *Part E4 - Emergency lighting, exit signs and warning systems t) Part F2 - Sanitary and other facilities*
- g) *Part F4 - Light and ventilation*

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: (Greenwood/Matson) that this application be refused as:

- a) It will result in an intensification of traffic in the Matraville area; and
- b) Council should not be supporting any expansion of Port Botany until the expansion has been finalised by the Minister. **LOST.**

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

6.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 2/2004 - LOCAL DEVELOPMENT TASKFORCE. (98/S/5449)

H10 **RESOLUTION: (White/His Worship the Mayor, Cr D. Sullivan)** that Council note and endorse the comments made in this report and forward it to the Local Development Taskforce, DIPNR.

MOTION: (Matson/Greenwood) that the response to recommendations 5-7, 18-19, 30-31 and 35 of the Local Development Taskforce be clarified.

(It was ruled by the Chairperson that this motion be treated as a procedural motion.)

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

The procedural motion as ruled by the Chairperson was put to the Committee and was lost.

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

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

6.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 3/2004 - SUBMISSION TO THE SECTION 94 REVIEW TASKFORCE. (98/S/0895)

H11 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/White)** that:

- a) *Council note and endorse the submission made to the S94 Taskforce, dated 13 January 2004; and*
- b) *The Director of Planning and Community Development forward a letter to the*

Department of Infrastructure, Planning and Natural Resources detailing Council's concerns with regard to the Environmental Planning and Assessment Amendment (Planning Agreements) Bill 2003.

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

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

A notice of rescission motion on Item 5.2, 567 Malabar Road, Maroubra was submitted to the General Manager by Crs Backes, Greenwood, Matson, Notley-Smith, Seng & Whitehead and will be considered at the next Ordinary Council Meeting on 24th February, 2004.

The meeting closed at 8.53 p.m.

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CHAIRPERSON