

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 25TH MAY, 2004 AT 6:13 P.M.**

PRESENT:

His Worship the Mayor, Cr. M. Matson (East Ward) (Chairperson)

Councillor B. Notley-Smith (East Ward) (Deputy Mayor)

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

OFFICERS PRESENT:

Director Asset & Infrastructure Services	Mr. M. Savage.
Director Planning & Community Development	Ms. S. Truvert.
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.

1. COUNCIL PRAYER

The Council Prayer was read by Councillor Notley-Smith.

1a. LEAVE OF ABSENCE.

Leave of Absence has been granted to Cr Tracey until 23 June, 2004.

2. APOLOGIES.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 27TH APRIL, 2004.**

65 **RESOLUTION:** *(Notley-Smith/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday, 27th April, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the meeting be adjourned at 6.14 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Geoff Gilbert , Level 4, 364 Kent Street, Sydney, on Item 9.1, Director Planning & Community Development's Report No. 22/2004 – 707-751 Anzac Parade, Maroubra.
2. Mr Roy Freer, 23 Bona Vista Avenue, Maroubra, on Item 9.2, Director Planning & Community Development's Report No. 23 /2004 – 454 Maroubra Road, Maroubra.
3. Ms Genevieve Slattery, (SPD Planners) Level 5, 110-114 Kippax Street, Surry Hills, on Item 9.2, Director Planning & Community Development's Report No. 23/2004 – 454 Maroubra Road, Maroubra.
4. Ms Julie Ward, 30 White Avenue, Maroubra, on Item 9.3, Director Planning & Community Development's Report No. 24/2004 – 28 White Avenue, Maroubra.
5. Mr David Crane (Architect) 17 Gold Street, Blakehurst, on Item 9.3, Director Planning & Community Development's Report No. 24/2004 – 28 White Avenue, Maroubra.
6. Ms Jackie Crombie, 26 Pauling Avenue, Coogee, on Item 9.5, Director Planning & Community Development's Report No. 26/2004 – 22A Pauling Avenue, Coogee.
7. Mr Anthony Betros, 5G, 108 Bronte Road, Bondi Junction, on Item 9.5 Director Planning & Community Development's Report No. 26/2004 – 22A Pauling Avenue, Coogee.

RESOLVED: (Bastic/Seng) that the meeting be resumed at 6.53 p.m. and that Item 5.1 Mayor's Minute No. 28/2004 – Aboriginal Reconciliation, be dealt with at this stage of the meeting. (See Minute No. 66)

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the meeting be again adjourned at 7.09 p.m.

8. Mr Stuart Murray, 1/225 Carrington Road, Coogee, on Item 9.6, Director Planning & Community Development's Report No. 27/2004 – 1/225 Carrington Road, Coogee.
9. Mr Dave McInnes, 10 Edgar Street, Kingsford, on Item 9.7, Director Planning & Community Development's Report No. 28/2004 – 10 Edgar Street, Kingsford.
10. Mr David Gillings, 135 Storey Street, Maroubra, on Item 9.8, Director Planning & Community Development's Report No. 29/2004 – 112-138 Storey Street, Maroubra.
11. Ms Helen Perdikeas, 28 Alison Road, Randwick, on Item 9.9, Director Planning & Community Development's Report No. 30/2004 – 26 Alison Road, Randwick.

12. Mr Sam Kutner, 10 Daintrey Crescent, Randwick, on Item 9.10, Director Planning & Community Development's Report No. 31/2004 – 14-16 Daintrey Crescent & 4 Dudley Street, Randwick.
13. Ms Judy Greenwood, 8A/8 Bligh Place, Randwick, on Item 11.3, Motion Pursuant to Notice by Councillor Andrews – Civic Reception for Charles Matthews.
14. Ms Janet Burke, 10/117 Belmont Street, Alexandria, on Item 11.7, Motion Pursuant to Notice by Councillor Daley – Bear Cottage Children's Hospice.
15. Mr John Deegan (President, The Spot Business Association) 15 Mermaid Avenue, Maroubra, on Item 11.16, Motion Pursuant to Notice by Councillor Sullivan, Parking Meters across Randwick.
16. Mr Jack Ziade, 50 St Pauls Street, Randwick, on Item 11.16, Motion Pursuant to Notice by Councillor Sullivan, Parking Meters across Randwick.

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the meeting be further adjourned at 7.45 p.m.

The meeting was resumed at 8.15 p.m.

(Crs Sullivan, White, Daley, Andrews, Bastic & Procopiadis again entered the Chamber at this stage, the time being 8.17 p.m.)

5. MAYORAL MINUTES.

5.1 MAYOR'S MINUTE 28/2004 - ABORIGINAL RECONCILIATION. (98/S/0726)

(Note:- This item was dealt with earlier in the meeting – see after the 7th address to the Council by the Public.)

66 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** that Council accept and endorse Randwick City Council's Statement of Commitment to Reconciliation to the Aboriginal and Torres Strait Islander Residents of the City.

(Note:- The Mayor, Cr M. Matson, presented the "Statement" to Mr Ken Foster (La Perouse Local Aboriginal Land Council) and Ms Yvonne Simms (La Perouse/Botany Bay Aboriginal Corporation)

MOTION: (His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.

5.2 MAYORAL MINUTE 29/2004 - AMENDMENT TO COUNCILLORS' EXPENSES & PROVISION OF FACILITIES POLICY. (98/S/0090)

MOTION: (His Worship the Mayor, Cr M. Matson) that:

a) Clause (viii) of Part 2 of Council's Policy No. 1.03.10 be amended to read:

“(viii) Reasonable accommodation costs in an establishment of three (3) to four (4) star rating, including the night before and/or after the conference where this is necessary, will be met by the Council for conferences and seminars outside the Sydney metropolitan area”; and

- b) That the Policy Register be updated accordingly. **LOST.**

A division was called for by His Worship the Mayor, Cr M. Matson and Cr Hughes. Voting was as follows:-

For	Against
Hughes His Worship the Mayor, Cr M. Matson Woodsmith	Andrews Bastic Belleli Daley Kenny Nash Notley-Smith Procopiadis Seng Sullivan White

5.3 MAYORAL MINUTE 30/2004 – ATHENS 2004 OLYMPIC TORCH RELAY. (98/S/0353)(3)

67 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson/*) that:

- a) *The information in relation to the Athens Torch Relay be noted; and*
- b) *A representative of the Hellenic Tribute Committee and the Mayor jointly be involved with the planting of an olive tree and the unveiling of a plaque in High Cross Park, Randwick.*

MOTION: (**His Worship the Matson, Cr M. Matson**) **SEE RESOLUTION.**

5.4 MAYORAL MINUTE 31/2004 - OPPOSITION TO ASPECTS OF THE US AUSTRALIA FREE TRADE AGREEMENT. (98/S/4726)

MOTION: (**His Worship the Mayor, Cr M. Matson**) that:

- a) This Council expresses its opposition to the US Australia Free Trade Agreement because of the adverse impacts the Agreement would have for the functioning of local government;
- b) A letter enclosing a copy of this Mayoral Minute be written under the Council's Seal to each NSW Senator urging them to reject enabling legislation for the US Australia Free Trade Agreement; and
- c) A copy of this motion be sent to all local media outlets. **LOST.**

A division was called for by His Worship the Mayor, Cr M. Matson and Cr Hughes. Voting was as follows:-

For	Against
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Hughes
His Worship the Mayor, Cr M. Matson
Woodsmith

Andrews
Bastic
Belleli
Daley
Kenny
Nash
Notley-Smith
Procopiadis
Seng
Sullivan
White

5.5 MAYORAL MINUTE 32/2004 - SUPPORT FOR ANTI SMOKING BAN ON COUNCIL BEACHES, PLAYGROUNDS & OVALS. (98/S/1116)

68 **RESOLUTION:** *(Notley-Smith/Sullivan) that Council:*

- a) *Receive a report from the Director of Assets and Infrastructure Services outlining the details of the Manly decision and presenting options on legality issues, appropriate signage, fines, policing, and any other related issues; and*
- b) *Seek to generate a uniform approach across all Sydney Councils with beaches by referring the matter to the Sydney Coastal Councils organisation.*

MOTION: **(His Worship the Mayor, Cr M. Matson)** that Council:

- a) Endorse in principle a ban on smoking on all Council beaches and within 10 metres of all Council playgrounds and sporting ovals;
- b) Receive a report from the Director of Assets and Infrastructure Services outlining the details of the Manly decision and presenting options on legality issues, appropriate signage, fines, policing, and any other related issues; and
- c) Seek to generate a uniform approach across all Sydney Councils with beaches by referring the matter to the Sydney Coastal Councils organisation.

AMENDMENT: **(Notley-Smith/Sullivan) SEE RESOLUTION.**

5.6 MAYORAL MINUTE 33/2004 - CONSULTATION OF PARKING METER ROLL OUT. (98/S/2714)

MOTION: **(His Worship the Mayor, Cr M. Matson)** that Council:

- a) Notes the Mayor's commitment to engaging nine key stake holder groups in consultation on the proposed extension of parking meters;
- b) Resolves to exhibit all specific parking meter proposals for a formal public comment process prior to any final decision being made; and
- c) Resolves to identify the following objectives to be met by the implementation of additional parking meters.

- d) To increase access to and facilitate the turning over of parking spaces in the Council's commercial centres and around highly used public venues and facilities.
- e) To enable residents to secure parking spaces in and around their residential streets.
- f) To establish a reasonable revenue stream linked to the use of parking spaces by non-resident visitors in order to better fund the maintenance of Council infrastructure. **LOST.**

A division was called for by His Worship the Mayor, Cr M. Matson and Cr Hughes. Voting was as follows:-

For	Against
Hughes	Andrews
His Worship the Mayor, Cr M. Matson	Bastic
Woodsmith	Belleli
	Daley
	Kenny
	Nash
	Notley-Smith
	Procopiadis
	Seng
	Sullivan
	White

RESOLVED PROCEDURAL MOTION: (Notley-Smith/Sullivan) that the planning items, being Items 9.1 to 9.10 inclusive be dealt with at this stage of the meeting.

5.7 MAYORAL MINUTE 34/2004 – WORLD REFUGEE DAY ORGANISING COMMITTEE REQUEST. (98/S/2193)

MOTION: (His Worship the Mayor, Cr M. Matson) that Council:

- a) Endorse World Refugee Day;
- b) Donate \$200 to the World Refugee Day Organising Committee to help fund the event;
- c) Promote the event on the Council's web site and in the Mayoral Column and by writing to appropriate community and cultural groups represented within the City;
- d) Forward the matter to the Randwick Multicultural Advisory Committee for further consideration and advice. **LOST.**

A division was called for by His Worship the Mayor, Cr M. Matson and Cr Hughes. Voting was as follows:-

For	Against
Hughes	Andrews
His Worship the Mayor, Cr M. Matson	Bastic
Woodsmith	Belleli
	Daley

Kenny
Nash
Notley-Smith
Procopiadis
Seng
Sullivan
White

AMENDMENT: (Nash/Notley-Smith) that Council endorse World Refugee Day. **LOST.**

5.8 MAYOR'S MINUTE 35/2004 – AMEND THE TELECOMMUNICATIONS ACT TO REMOVE EXEMPTION STATUS OF LOW-IMPACT TELECOMMUNICATION TOWERS. (98/S/4710)

69 **RESOLUTION:** *(Nash/Notley-Smith)* that Council write to Commonwealth Minister for Telecommunications and to the appropriate shadow Minister asking for a commitment to amend the Telecommunications Act to remove low-impact classifications from exemption of the need to abide by state and local government planning controls.

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 10/2004 - MARCH QTR REVIEW - 2003/06 MANAGEMENT PLAN. (98/S/0050)

70 **RESOLUTION:** *(Procopiadis/Nash)* that the information contained in the General Manager's Report No. 10/2004 on the March Quarter Review – 2003/06 Management Plan be received and noted.

MOTION: (Procopiadis/Nash) SEE REOSLUTION.

6.2 GENERAL MANAGER'S REPORT 11/2004 - AUTHORITY TO INCREASE HIRING FEES - LATHAM PARK TENNIS CENTRE. (98/S/2666(3))

71 **RESOLUTION:** *(Andrews/Sullivan)* that authority be granted to Tenservs Management & Coaching Pty Ltd to increase their court hire fees to the following fees:

<i>Monday – Friday 7.00am – 4.00pm</i>	<i>\$14.30 per hour per court</i>
<i>Monday – Friday 4.00pm – 11.00pm</i>	<i>\$16.50 per hour per court</i>
<i>Saturday & Sunday</i>	<i>\$16.50 per hour per court</i>
<i>Public Holidays</i>	<i>\$16.50 per hour per court</i>

MOTION: (Andrews/Sullivan) SEE RESOLUTION.

6.3 GENERAL MANAGER'S REPORT 12/2004 - NEW PRECINCT CO-ORDINATION COMMITTEE. (98/S/1240)

72 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Nash)* that:

- a) *The draft Terms of Reference for the PCC as amended hereafter be adopted;*
- b) *The Precinct Committees be notified about the establishment of the Precinct Coordination Committee and invited to elect two members annually to represent them on the Precinct Coordination Committee for the 2004 - 2005 year; and*

- c) *Funds of \$6240.00 to operate the Precinct Coordination Committee be allocated for 2004 – 2005 and added to the cost centre under Community Consultation and Liaison.*

MOTION: (His Worship the Mayor, Cr M. Matson/Nash) SEE RESOLUTION.

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 23/2004 - PROPOSED STREET NAMES FOR THE DEFENCE SITE, RANDWICK. (98/S/1368)

- 73 **RESOLUTION: (Notley-Smith/Sullivan)** *that this item be deferred to allow for Councillors to consult further with the community.*

PROCEDURAL MOTION: (Andrews/Sullivan) SEE RESOLUTION.

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 24/2004 - SUBURB NAME CHANGE FOR THE DEFENCE SITE RANDWICK. (98/S/1368)

- 74 **RESOLUTION: (Andrews/Notley-Smith)** *that this item be deferred to allow for Councillors to consult further with the community in respect to the locality name.*

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

(His Worship the Mayor, Cr M. Matson requested his name be recorded as opposed to the resolution.)

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 25/2004 - DENNING STREET, SOUTH COOGEE - REVIEW OF TRAFFIC AND PARKING CONDITIONS. (R/0229/02)

- 75 **RESOLUTION: (Andrews/Sullivan)** *that:*

- A. *The following traffic control measures aimed at improving the safety and the residential amenity of Denning Street and Malabar Road in the vicinity of Cuzco Street, South Coogee, be approved for implementation:-*
1. *A pedestrian refuge in Malabar Road, south of Nymboida Street, as shown on Attachment C to the Report, for which the cost of implementation shall be borne by the developer of the Veterinary Clinic at 203A Malabar Road, South Coogee, in accordance with the condition of Council's Development Consent;*
 2. *The kerb space on the eastern side of Malabar Road, north of Denning Street, being reallocated to provide an 18 metre long Bus Zone at the approach to Denning Street; and a zone for four car parking spaces: '1 Hour Parking 8.00am - 8.00pm, Monday to Friday, 8.00am – 1.00pm Saturday and Sunday' (Costs shall be borne by the Veterinary Clinic) in accordance with the condition of Council's Development Consent;*

3. *Removal of existing double separation lines in Denning Street and installation of a broken separation line at the centre of the carriageway of Denning Street, to its full length from Rainbow Street to Malabar Road;*
 4. *Provision of overtaking barrier lines (with unbroken line located on the driver's side), together with reflective raised pavement markers at the centre of the carriageway approaching the crest, such barrier lines to extend for a length, between the northern extremity of the driveway of premises No. 88 Denning Street and the southern extremity of the driveway of premises No. 92;*
 5. *Installation of a 'CREST' warning sign on the eastern side, on the wooden electric light pole MA04506 situated north of premises No. 65; and on the western side on the wooden electric light pole MA04505 situated south of premises No. 92;*
 6. *Provision of barrier lines together with reflective raised pavement markers at the centre of the carriageway of Denning Street, at the intersection of Evelyn Street, such lines to extend for a length between a point 10 metres south of the southern kerb alignment and 10 metres north of the northern kerb alignment of Evelyn Street;*
 7. *Signposting of 'No Stopping' restrictions for a length of 10 metres on both sides of Denning Street, on the approach and departure sides of its intersection with Napper Street and Garie Place;*
 8. *An improved design for the intersection of Malabar Road / Denning Street / Cuzco Street, as shown on Attachment B to the report, such proposal to include the construction of traffic islands and splitter islands;*
 9. *In conjunction with the improved intersection design as proposed in 8 above, changes to existing lane marking including the provision of right turn bays at the approach to Cuzco Street and Denning Street intersections, as shown on the drawing;*
 10. *Installation of rumble bars on the centreline of Malabar Road, between Cuzco Street and Denning Street, for a length of approximately 8 metres;*
- B. *A sum of \$5,000 for the implementation of the improved design for the intersection of Malabar Road / Denning Street / Cuzco Street, in temporary materials as a trial measure, to assess the effectiveness of the new design as an appropriate control measure for enhancing the safety at this location, be made available from the residual funds allocated for traffic facilities in the current budget (2003-2004) but which have not attracted the required funding from the RTA in order for these projects to proceed; and*
- C. *Should the above trial measures prove successful, the construction of traffic facility in permanent material be considered by Council as part of 2004 / 2005 Capital Works Program, and a sum of \$15,000 be allocated for this purpose from the Councillors' bid allocation.*

MOTION: (Andrews/Sullivan) SEE RESOLUTION.

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

8.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 12/2004 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL - DETERMINATIONS. (98/S/1092 xr 98/S/0090)

76 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Hughes) that:**

- a) *A Councillor's Annual Fee of \$16,450 and a Mayor's Annual Fee of \$43,705 be set for the financial year July, 2004 to June, 2005 in accordance with the range stipulated by the Local Government Remuneration Tribunal; and*
- b) *As traditional at Randwick Council, 10% of the Mayor's Annual Fee be paid to the Deputy Mayor.*

MOTION: (His Worship the Mayor, Cr M. Matson/Hughes) SEE RESOLUTION.

9. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

(Note:- Items 9.1 to 9.10 inclusive were dealt with following Item 5.6, Mayor's Minute No. 33/2004.)

9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 22/2004 - 707-751 ANZAC PDE MAROUBRA. (D/118/2003)

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

- A. *Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), "Deferred Commencement" to Development Application No. 1188/2003 to Demolition of the existing commercial building and extension of Maroubra Mall development to incorporate a new ten storey mixed commercial/residential development to include 16 dwellings, basement car spaces and ground and first floor commercial floor space and associated modifications to the approved development to amend the unit mix, extension to basement 3 car parking and reconfigure retail arcade to increase commercial areas. at 707-751 Anzac Pde Maroubra.*

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

1. *A report detailing the proposed method of excavation and dewatering shall be submitted to Council for approval prior to this consent becoming operational. The report 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 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 should be no detrimental settlement to adjoining or nearby buildings/infrastructure using the chosen method of excavation/dewatering.*
 - *Details of the groundwater quality and the suitability for discharge to the Council's stormwater system. Consideration shall be given to the Protection of the Environment Operations Act 1997 and relevant Australian Standards.*
2. *A consolidated set of plans shall be submitted to and approved incorporating the Supplementary Information submitted 11 May 2004 detailed ASK100 through to ASK 007 relating to the southern elevation of Building G. The consolidated plans shall include a full set of floor plans, elevations and details of the timber screening.*
3. *Details of the colour, materials and finishes of the external surfaces and the building.*

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

DEVELOPMENT CONSENT CONDITIONS

Subject to compliance with the deferred commencement condition, to the satisfaction of the Director Planning and Community Development, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1188/2003 for demolition of the existing commercial building and extension of Maroubra Mall development to incorporate a new ten storey mixed commercial/residential development to include 16 dwellings, 32 basement car spaces and ground and first floor commercial floor space and associated modifications to the approved development to amend the unit mix, extension to basement 3 car parking and reconfigure retail arcade to increase commercial areas, subject to the following conditions:

1. *The development must be implemented substantially in accordance with the plans numbered*

Drawing Number	Dated	Council Received
2129/A/ADA/Z1051 A	19/12/03	19/12/03
2129/A/ADA/Z1052 A	19/12/03	19/12/03
2129/A/ADA/Z1053 A	19/12/03	19/12/03
2129/A/ADA/Z1054 A	19/12/03	19/12/03
2129/A/ADA/Z1055 A	19/12/03	19/12/03
2129/A/ADA/Z1056 A	19/12/03	19/12/03
2129/A/ADA/Z1057 A	19/12/03	19/12/03
2129/A/ADA/Z1058 A	19/12/03	19/12/03
2129/A/ADA/Z1059 A	19/12/03	19/12/03
2129/A/ADA/Z1060 B	19/12/03	19/12/03
2129/A/ADA/Z1061 B	19/12/03	19/12/03
2129/A/ADA/Z1062 A	19/12/03	19/12/03
2129/A/ADA/Z1063 A	19/12/03	19/12/03
2129/A/ADA/Z1064 A	19/12/03	19/12/03
2129/A/ADA/Z1065 A	19/12/03	19/12/03
2129/A/ADA/Z1066 A	19/12/03	19/12/03
2129/A/ADA/Z2000 A	19/12/03	19/12/03
2129/A/ADA/Z2001 A	19/12/03	19/12/03
2129/A/ADA/Z2002 A	19/12/03	19/12/03
2129/A/ADA/Z2003 A	19/12/03	19/12/03
2129/A/ADA/Z2004 A	19/12/03	19/12/03
2129/A/ADA/Z2005 A	19/12/03	19/12/03
2129/A/ADA/Z2006 A	19/12/03	19/12/03
2129/A/ADA/Z2007 A	19/12/03	19/12/03
2129/A/ADA/Z2008 A	19/12/03	19/12/03
2129/A/ADA/Z2009 A	19/12/03	19/12/03
DA2-L001	Dec 2003	19/12/03
DA2-L002	Dec 2003	19/12/03

Only insofar as they relate to the areas highlighted on the plans by way of a 'cloud', the application form and on any supporting information received with the application, except as may be amended by the details approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:

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

3. *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>	\$ 419,257.04
b) <i>for the provision or improvement of community facilities</i>	\$164,457.76
c) <i>Administration fee</i>	\$425

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

- a) *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.*

4. *Excavation, shoring and dewatering of the site shall be undertaken in accordance with the details submitted to Council in accordance with deferred commencement condition 1. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
5. *Each residential unit shall be allocated a vehicle parking space to ensure compliance with DCP Parking. These spaces shall be allocated on title and be clearly linked to the associated unit on the plans of strata subdivision. At no time shall these spaces be subdivided and sold separately to units without Development Application consent.*
6. *Should the height of any temporary structure and/or equipment be greater than 150 feet (45.72m) above existing ground height (AEGH), a new approval must be sought from Sydney Airports in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.*
7. *Sydney Airports Corporation Limited advises that approval to operate construction equipment (i.e cranes) should be obtained prior to any commitment to construct Information required by SACL prior to approval is:*
 - *the location of any temporary structure or equipment, i.e 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 i.e construction cranes, intended to be used in the erection of the proposed structure/activity.*
 - *The period of the proposed operation (i.e construction cranes) and desired operating hours for any temporary structures.*

An application for approval containing the above information, should be submitted to this 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.

8. *The applicant shall comply with the General Terms of Approval attached to this consent which outline the requirements if the Water Licence issued by the Department of Infrastructure Planning and Natural Resources pursuant to the Water Act 1912.*

Security Deposit Conditions

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

9. *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) \$5,000.00 - 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.

Requests for a refund of any deposits due shall be made in writing to Council's Director of Asset & Infrastructure Services upon issuing of a final occupation certificate for the development.

Traffic/Civil Works Conditions

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

10. *The applicant must meet the full cost for Council or a Council approved contractor to:*
11. *Reconstruct the Anzac Parade and Maroubra Road site frontages of the proposed extension (751 Anzac Parade) in accordance with Council's Urban Design guidelines for Maroubra Junction.*

Note: This may require full width paved/concrete footpath, new pram ramps, installation of planter boxes, street tree planting and street furniture (tree grates, seats etc) as required by Council's Landscape Architect – 9399 0786.
12. *Reconstruct any damaged section of kerb and gutter along the site frontages. It is noted that this may include road reconstruction works in front of the kerb and gutter where required.*
13. *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.*
14. *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.

15. A work zone is to be provided in the vicinity of the development site 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.
16. Both the residential and retail carparking areas shall be designed in general accordance with the requirements of AS 2890.1 (off-street parking). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
17. All ramps grades shall be in accordance with the requirements of AS 2890.1 (off-street parking). Longitudinal sections along the extremities and the centreline of each internal driveway/access ramp (at a scale of 1:20) shall be submitted to the certifying authority for approval prior to the issuing of a construction certificate.
18. Residents of the proposed development will be excluded from any existing or future residential permit parking scheme.
19. Prior to the issue of an occupation certificate, pavement arrows are to be provided on all aisles within the car parks.
20. Each set of tandem parking spaces shall be allocated to a single residential unit.
21. All lighting in carpark areas must comply with the relevant Australian Standards.
22. The Colonnade area along the Anzac parade site frontage shall be kept clear at all times to ensure that there is a minimum 2.5 metre wide undercover section of footpath available for pedestrian use at all times.
23. The width of the awnings along the Maroubra Road site frontage (and at the Maroubra Road / Anzac Parade intersection) shall be increased to provide 2.5 metres of protected footpath area. The plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.

Splay Corner Conditions

24. The applicant shall provide a minimum 3 metre x 3 metre splay corner at the south/east corner of the development site (intersection of Anzac Parade and Maroubra Road) at ground level. There shall be no structures erected within the splay corner at ground level.

Encroachment Conditions

25. No portion of the building (excluding street level awnings) shall project outside of the property boundary. This includes all structural and façade elements. The plans submitted for the construction certificate shall be amended to demonstrate

compliance with this requirement.

Alignment Level Conditions

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

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

Anzac Parade

- ***2.5% above the top of the kerb at all points opposite the kerb, along the full site frontage.***

Maroubra Road

- ***2.5% 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.

27. *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.*
28. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1280 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:

29. *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.*
30. *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.*

31. *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.*
32. *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 to determine whether or not an electricity substation is required for the development.*
33. *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 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:

34. *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.*
 - 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.*
35. *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.*
36. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
37. *Stormwater pipes shall be located in accessible locations.*
38. *On-site detention must be provided to ensure that the maximum discharge from the redeveloped portion of the site (i.e. the new addition in Lot 1 of DP 193364) does not exceed that which would runoff the subject Lot 1 during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to Council's 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.

Note: The onsite detention requirements for the new addition (Lot 1) may be

provided in conjunction with the adjoining approved development (DA 255/2002).

39. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*
40. *Pump out systems will only be considered if the applicant can demonstrate to the Principal Certifying Authority 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.

41. *Prior to the issuing of an occupation certificate, a works-as-executed stormwater drainage plan prepared by a Registered Surveyor and a suitably qualified and experienced Hydraulic Engineer, to the satisfaction of the Principal Certifying Authority (PCA), shall be submitted to Council's Director of Asset and Infrastructure Services.*

The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:

- The location of the detention basin with finished surface levels (if applicable);*
- Finished site contours at 0.2 metre intervals;*
- Volume of storage available in the detention areas (if applicable);*
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
- The orifice size(s) (if applicable); and*
- Details of any pumping systems installed (including wet well volumes).*

42. *Prior to the issuing of an occupation certificate, the applicant must obtain certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system satisfies the relevant conditions of development consent, to the satisfaction of the Principal Certifying Authority (PCA). A copy of the certification must also be provided to Council's Director of Asset and Infrastructure Services, prior to occupation of the development.*

43. *All site stormwater leaving the site must be discharged by gravity to council's underground drainage system, via new and/or existing kerb inlet pits. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*

44. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
45. *A reflux valve shall be provided (within the site) over all pipelines discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
46. *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 systems 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.

47. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
48. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
49. *The floor level of all habitable and storage areas adjacent to detention areas 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, excepting for those habitable and storage areas adjacent to any detention areas located on the roof, where 150mm freeboard is to be provided or alternatively a permanent 150mm 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.

50. *A sediment/silt arrester pit must be provided:-*
51. *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the street drainage system; and*
52. *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.

53. *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.*

Groundwater/Seepage conditions

The following conditions have been included to protect the development from groundwater/seepage and minimize the effect of the development on groundwater/seepage flows

54. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark (and similar structures) are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council’s kerb & gutter and/or underground drainage system.*

- 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).*
55. *The applicant shall obtain a Water License (for temporary dewatering) from the Department of Infrastructure Planning and Natural Resources prior to the issuing of a construction certificate.*
56. *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.*

Waste Management Conditions

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

57. *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 Services, a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the 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 Waste Management Plans shall be based on the Waste Management and Reuse Environment Control Plan prepared by Abigroup dated 12 June 2003 and the Waste Management Report by Crone Nation Architects dated 13 January 2003 (approved in conjunction with DA 255/2002). These plans (which were prepared for the approved development at 707-745 Anzac Parade) will need to be amended to include management of wastes generated from the subject development site (known as 751 Anzac Parade).

Landscape Conditions

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

58. *The landscaping shown on drawing no. DA2-L001, drawn by Oculus Pty Ltd dated Dec 2003, shall be subject to detailed 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, 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 and 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, screen details, surface finishes, 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.*
- 59. The detailed landscape drawings and specifications shall show the use of Eucalyptus leucoxylon (Yellow Gum) along the Anzac Parade street frontage, and Eucalyptus haemastoma (Scribbly Gum) along the Maroubra Road frontage (in accordance with condition (AIS condition 52) of this development approval). This condition has been included as Council's Landscape Technician does not support the proposed use of Ulmus parvifolia (Chinese Weeping Elm) along either street frontage due to its size at maturity, excessive leaf fall and general inappropriateness for such a location.*

All proposed street trees are to be shown on the plans at their true size at maturity, and tree planting details are also to be provided.

The applicant is advised to consult Council's Street Tree Masterplan in regards to acceptable distances between trees as well as setbacks from intersections. These amendments are to be provided on the plans submitted for the construction certificate application.

The applicant is further advised that an existing bus stop owned by JC Decaux is located along the Maroubra Road frontage, and as such, the applicant will be required to liaise with the shelter owner regarding their requirements for placement of street trees and street furniture in this area.

60. *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.*
61. *The applicant shall submit a landscape design for the Anzac Parade and Maroubra Road street frontages of the development in accordance with Council's Urban Design Guidelines for Maroubra Commercial Centre. The landscape design shall include pavements, seats, bins and bus shelter retention/relocation as well as tree squares 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 or cheque of \$2,000.00 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 Maroubra Road site frontages.

62. *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.

63. *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

64. *The applicant shall submit a total payment of \$2,136.00 + GST to Council,*
- a. *Being the cost for Council to supply and install 5 x 100 litre street trees (Eucalyptus haemastoma, Scribbly Gum) along the Maroubra Road frontage (\$1,780.00 + GST), and 1 x 100 litre street tree (Eucalyptus luecoxylon, Yellow Gum) on the Anzac Parade frontage at the completion of all works (\$356.00 + GST), and*

*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.

65. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$5,000.00 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 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

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

The applicant shall present the receipt at the Asset and Infrastructure Services counter on

the First Floor to organise for a further inspection to be undertaken.

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

67. *Upon completion of demolition works and prior to a construction certificate being issued, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past filling activities that may have occurred on site. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be provided to Council, in accordance with Council’s Contaminated Land Policy.*

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

Should the Detailed Site Investigation Report identify contaminated land then a Remedial Action Plan (RAP) is required.

68. *A formal remediation action plan (RAP) is to be prepared by an independent and suitably experienced, Environmental Consultant. This report is to be prepared in accordance with the EPA guidelines and is to be submitted to and approved by the Site Auditor and Council prior to commencing remediation works.*

69. *This RAP is to include procedures for the following:*

- *Excavation of Hydrocarbon-contaminated soil*
- *On-site treatment by land farming*
- *Validation sampling and analysis*
- *Ground water monitoring*
- *Contingency groundwater remediation and validation*

70. *A Validation Report shall be submitted to Council upon completion of the remedial works. The Validation report shall be prepared with reference to the NSW Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:*

- *Description and documentation of all works performed.*
- *Results of validation testing and monitoring.*
- *Validation results of any imported fill onto the site.*
- *Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
- *Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*

71. *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. A Site Audit Statement and Summary Site Audit Report is to be submitted to and accepted 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.

72. *All works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Environmental Protection Authority and DUAP, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
73. *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
74. *Council must be notified of any new information that comes to light during excavation, which has the potential to alter previous conclusions about site contamination.*
75. *The disposal of contaminated soil should have regard to the provisions of the Protection of the Environment Operations Act 1997 and Regulations and any relevant EPA guidelines such as the EPA Environmental Guidelines' Assessment, Classification and Management of Liquid & Non-Liquids Wastes' (1999).*
76. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of Work Cover and the Environmental Protection Authority, and with the provisions of:*
- *Occupational health and Safety Act 2000 (NSW)*
 - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
 - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
77. *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.*
78. *Prior to the commencement of any demolition, remediation or building 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.*

79. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*

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

80. *The proposed use of the premises and 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 and Regulations.*

In this regard, the operation of plant and equipment 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 a LAeq, 15 min noise level, adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy and the NSW Environmental Protection Authority's Noise Control Manual (for sleep disturbance).

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

82. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within three (3) months of an occupation certificate being issued for the development, certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997, NSW EPA guidelines, including the Industrial Noise Policy and the Environmental Noise Control Manual (sleep disturbance).*

The report is also to certify that the internal acoustic amenity of the residential development complies with the provisions of the NSW Environmental Guidelines, Environmental Criteria for Road Traffic Noise and the acoustic report, prepared by Acoustic Logic Consultancy, dated 22 December 2003.

83. *Deliveries are restricted and shall not occur between the following hours;*

10.00pm – 6.00am Monday to Saturday (inclusive)

10.00pm – 8.00am Sundays and Public Holidays

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

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

85. *Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water, Trade Waste Department and details of*

compliance are to be submitted to the certifying authority prior to the commencement of works.

86. *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer. Approval is to be obtained from Sydney Water*

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:

87. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
88. *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.*
89. *Details of the proposed Mechanical Ventilation Systems (including discharge locations) are to be submitted to the Council's Manager of Environmental Health and Building Services, prior to issuing of the Construction Certificate, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979. An Odour Report, prepared by a suitably qualified, independent consultant, is also required to be submitted to Council, which demonstrates that the amenity of the occupiers at the site and nearby residents will not be detrimentally affected by the proposed system.*

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

90. *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.

91. *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.*
92. *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.*
93. *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.*
94. *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.

95. *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.*

96. *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:

97. *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*

*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.***

98. 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.

99. 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.

100. 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**.

101. 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:

102. 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**.

103. 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.

104. 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.

105. *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.

106. *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.*

107. *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.*

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 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.*

109. *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.

110. *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.*
111. *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.*
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 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.

114. *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.*

115. *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.

116. *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.*

117. *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.*

118. *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".*

119. *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.

120. *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.*

121. *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.

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.*

*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.

123. *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

124. *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.*

125. *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.

126. *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.*
127. *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:

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

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

129. *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:

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

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

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

132. *All proposed ductwork for mechanical ventilation systems/exhaust systems are to be concealed within the building in appropriate service shafts.*

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

133. *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 relevant requirements of the Environmental Planning & Assessment Act 1979.*

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

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

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

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

ADVISORY MATTERS:

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

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

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

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

- a) *Part B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Part C3 - Protection of openings*

- d) Clause D1.3 - When fire-isolated exits are required
- e) Part D3 - Access for people with disabilities
- f) Clause D3.5 - Car parking for people with disabilities
- g) Part E1 - Fire fighting equipment
- h) Part E2 - Smoke Hazard Management
- i) Part E3 - Lift Installations
- j) Part E4 - Emergency lighting, exit signs & warning systems
- k) Part F1 - Damp and weatherproofing
- m) Part F5 - Sound Transmission and Insulation

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

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

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

**9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
23/2004 - 454 MAROUBRA ROAD, MAROUBRA. (D/1199/2003)**

- 78 **RESOLUTION: (Bastic/Andrews)** *that authority be delegated to the Director Planning & Community Development to determine the application in accordance with the recommendation contained in the Director Planning & Community Development's Report No. 23/2004, subject to the building being moved one (1) metre to the west and an assessment being made of the likely impacts of the resiting of the building.*

(His Worship the Mayor, Cr M. Matson indicated that he used his casting vote in favour of the resolution.)

MOTION: (Bastic/Andrews) SEE RESOLUTION.

**9.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
24/2004 - 28 WHITE AVENUE MAROUBRA. (D/119/2004)**

- 79 **RESOLUTION: (Belleli/White)** *that: Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.119/04 for permission to carry out alterations and additions to the existing dwelling at 28 White Avenue Maroubra subject to the following conditions: -*

- 1 *The development must be implemented substantially in accordance with the plans numbered 1701/DA1, 2, 3, dated 19th February 2004 and received by Council on the 24th February 2004., 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 rear upper floor balcony and roof over shall be deleted and replaced with a non-trafficable roof over the level below. Details to be submitted with the construction certificate application.*
- 3 *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.*
- 4 *The dwelling is to be used as a single dwelling only and is not to be used for separate occupation.*

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

- 5 *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
- 6 *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
- 7 *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 noted in the construction certificate application.

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

- 8 *Surface water/stormwater must be drained and discharged to the street gutter or a suitably designed absorption pit and details are to be included in the construction certificate application. Absorption pits or soaker wells shall only be provided if soil conditions are suitable to facilitate the absorption of stormwater and must be located not less than 3m from any adjoining premises. Stormwater must not be directed to any adjoining premises or cause a nuisance.*

Details of any excavation or drainage 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 Assets & Infrastructure Services 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:

- 9 *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.

- 10 *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.*
- 11 *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.*
- 12 *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.*
- 13 *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.

- 14 *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.*
- 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.

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

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

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

- 17 *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.*
- 18 *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.

- 19 *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.*
- 20 *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.*
- 21 *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

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

22 *Public safety and convenience must be maintained at all times during 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

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

24 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

25 *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.*

26 *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.

27 *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.*

28 *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".*

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

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

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

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

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

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

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

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

- 31 *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.*
- 32 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

- 33 *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.*

ADVISORY MATTERS:

- A1 *The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) 1996.*

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

In this regard, any variations that may be required to satisfy the BCA provisions, which alter the configuration, size, form, layout or design of the building, may necessitate a prior amendment to the development consent (under section 96 of the

*Environmental Planning & Assessment Act 1979), and Council's Assessment Officer should be consulted prior to the lodgement of an application for a **Construction Certificate**.*

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

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.

MOTION: (Belleli/White) SEE RESOLUTION.

9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 25/2004 - 695 ANZAC PARADE, MAROUBRA. (D/0358/2002)

(Note:- A Rescission Motion was submitted on this item prior to the close of the meeting and will be dealt with at the next available meeting.)

80 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Seng) that Council as the responsible authority refuse development consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Application No. 358/2002 'A' to modify the existing consent at 695 Anzac Parade, Maroubra for the following reasons:-*

- a) *The proposed modification will not result in a development which is 'substantially the same' as originally approved.*
- b) *The proposed density is considered to be excessive and will constitute an overdevelopment of the site.*
- c) *The proposed modification does not comply with the required parking under the DCP – Parking for the number of dwellings proposed. The parking layout does not encourage use of the parking spaces provided due to the number of car stackers proposed and the inadequate area for manoeuvring.*
- d) *The proposed modification will remove areas of communal and private open space and does not provide communal open space areas in accordance with the Maroubra Town Centre DCP.*
- e) *The proposed modification will reduce the mix of units proposed and will remove two maisonette style apartments. These changes will reduce internal site amenity and would be inconsistent with the design quality principles under SEPP 65 Design Quality of Residential Flat Buildings.*

MOTION: (Andrews/White) that the recommendation contained in the Director Planning & Community Development's Report No. 25/2004 be adopted, subject to an additional condition being added that makes provision for a bike rack for five bikes to be installed.
LOST.

FURTHER MOTION: (His Worship the Mayor, Cr M. Matson/Seng) SEE RESOLUTION

A division was called for by Crs Sullivan & Daley. Voting was as follows:-

For	Against
Belleli	Andrews
Hughes	Bastic
Kenny	Daley
His Worship the Mayor, Cr M. Matson	Procopiadis
Nash	Sullivan
Notley-Smith	White
Seng	
Woodsmith	

AMENDMENT: (Sullivan/Andrews) that a report be prepared on the progress on any appeal to the Land & Environment Court. **LOST.**

**9.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
26/2004 - 22A PAULING AVENUE, COOGEE. (D/0765/2002)**

81 **RESOLUTION:** *(Andrews/Daley)* 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. 765/2002 on property 22A Pauling Avenue, Coogee as follows:

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, except as amended by 5 A4 sheets drawn by Stoneybark Building Services Plan Ref 57-04 dated 19.3.04 and stamped received by Council on 26 March 2004, 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.*

(His Worship the Mayor, Cr M. Matson requested his name be recorded as opposed to the resolution.)

MOTION: (Andrews/Daley) SEE RESOLUTION.

**9.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
27/2004 - 1/225 CARRINGTON ROAD, COOGEE. (D/039/2004)**

82 **RESOLUTION:** *(White/Procopiadis)* that Council as responsible authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.D/04/39 for permission to enclose the balcony for 1/225 Carrington Road, Coogee subject to the following conditions: -

- 1 The development must be implemented substantially in accordance with the plans by Katherine Dickens Designs and received by Council on 27 January 2004, the application form and on any supporting information received with the application,*

except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

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

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

- 3 *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.

- 4 *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.*

- 5 *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.*

- 6 *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*

- i) *appoint a Principal Certifying Authority for the building work, and*
- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
- iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
- iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

- 7 *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

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

- 8 *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.*
- 9 *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 made available to the Council officers and all building contractors for assessment.*
- 10 *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.*
- 11 *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.*
- 12 *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.

- 13 *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.*
- 14 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
- 15 *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.

ADVISORY MATTERS:

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

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

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.

You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

MOTION: (White/Procopiadis) SEE RESOLUTION.

**9.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
28/2004 - 10 EDGAR STREET, KINGSFORD. (D/1121/2003)**

- 83 **RESOLUTION: (Bastic/Andrews)** *that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.1121/03 for permission to extend and widen the*

existing carport and driveway for 10 Edgar Street, Kingsford, subject to the following conditions: -

1. *The development must be implemented substantially in accordance with the plans numbered A01 to A06, dated 23 July 2003 and received by Council on 5 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 colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

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

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:

4. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application 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 prior to commencement of works.

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

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

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 works, the person having the benefit of the development consent must: -*
 - i) *appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

10. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

11. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
- *name, address and telephone number of the Principal Certifying Authority; and*
- *a statement stating that "unauthorised entry to the work site is prohibited".*

12. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

13. *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.*

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

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

14. *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.*
15. *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".*
16. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
17. *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.

18. *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.*
19. *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.*
20. *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.*
21. *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.

22. *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.*
23. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
24. *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*
25. *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.

26. *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.*
27. *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 geo-textile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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

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

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

a) \$700.00 - Vehicular crossing deposit

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

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

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

30. *Reconstruct existing concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

31. *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.*

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

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

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

match the back of the existing concrete driveway 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.

34. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing driveway must be indicated on the building plans for the construction certificate.*
35. *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.*
36. *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. This condition has been attached to accommodate future footpath construction at this location.*

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

37. *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.*
38. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

39. *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 applicant's expense prior to the issue of a final Occupation Certificate.*
40. *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.*

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: (Bastic/Andrews) SEE RESOLUTION.

**9.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
29/2004 - 112-138 STOREY STREET, MAROUBRA. (D/0041/2004)**

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

A. *The requirement for submission of a master plan under clause 40A of RLEP1998 be waived on the grounds that the proposed development is ancillary to the current use of the land.*

AND

B. *Council forward the application to the Minister for Infrastructure, Planning and Natural Resources for concurrence under Section 116C of the Environmental Planning and Assessment Act 1979 (as amended) of approval of Development Application No 41/2004 for Demolition of structures on the site to allow for consolidation of infants and primary sections of Maroubra Junction Primary School. Construction of 2 x 2 storey & 1 x 3 storey buildings, covered walkways between the buildings and associated landscaping, site works and open air carparking for 25 cars. at 112-138 Storey Street, Maroubra subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA00-DA06, dated 21 Jan 04, plan number DAL01 dated 20.01.04, and plans numbered DASW-01 to DASW-03 dated Jan 2004, all drawn by the NSW Government Architect and stamped received by Council on 27 January 2004, 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. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
3. *Power supply and telecommunications cabling to the development shall be underground.*
4. *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.*

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

5. *The consumption of water within the buildings shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and*

water efficient dual flush toilets.

- 6. 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.*
- 7. A rainwater tank is to be provided adjacent to the communal hall, Block F to enable the collection of roof water from a section of the roof of this building. This condition is imposed to meet the requirements of Council's Rainwater Tank Policy and provide an example of rainwater collection for educational purposes.*
- 8. Energy efficient lighting is to be installed at the premises, including energy saving systems to core facilities and opportunities for solar powered lighting are to be maximised.*
- 9. Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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

- 10. 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.

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

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. 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.*
- 13. 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.*
- 14. All building, demolition and associated site works must only be carried out between the hours of 7.30am to 5.00pm on Monday to Friday inclusive, between 8.00am to 1.00pm 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.

- 15. 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.*
- 16. 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.*
- 17. All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority and the relevant requirements:*
 - 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*
- 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. The validation report and any final statements from the environmental consultant must clearly state that the remediated land is at an asbestos free level or to a level where no know unacceptable health risks remain as confirmed in writing by the NSW Department of Health.*
- 20. 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.

- 21. 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.

22. *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.*
23. *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".*
24. *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.*
25. *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.*

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.

26. *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

27. *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.

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

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

a) \$2000.00 - Security damage deposit

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

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

29. *The following vehicular crossing deposit requirement is to be complied with prior to the commencement of works on the site, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$3000.00 - 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:

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

- a) *Construct a full width concrete heavy-duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Loch Maree Street.*
- b) *Construct a full width concrete heavy-duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Moverly Road.*
- c) *Remove the redundant concrete vehicular crossings and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

31. *The applicant shall make a separate application to the Randwick Traffic*

Committee establishing the warrant and actual location for any pedestrian (School Children) crossing in Loch Maree Street or Moverly Road. The cost of construction of such a facility shall be the responsibility of the applicant.

- 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, 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.*
- 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. 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 or 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 commencement of works on the site showing compliance with this condition.*
- 35. The driveway opening at the Loch Maree Street frontage must be 6 metres wide and located at least 1.5 metres clear of the side property.*
- 36. The driveway opening at the Moverly Road frontage must be 3 metres wide and located at least 1.5 metres clear of the side property.*
- 37. 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.*
- 38. The layout of the car parks and service vehicle area shall, at a minimum, comply with Australian Standards AS 2890.1-1993 and AS 2890.2-1989 and shall generally comply DCP-Parking.*
- 39. A work zone is to be provided in Loch Maree 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.*

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

- 40. The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access*

ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

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

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

- 41. 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 prior to the commencement of works on the site. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 42. The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$5,885.00 calculated at \$27.50 (inclusive of GST) per metre of the Loch Maree Street site frontage. This amount is to be paid prior to the commencement of work on the site for the development.*
- 43. 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. This condition has been attached to accommodate future footpath construction at this location.*

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

- 44. 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.*
- 45. 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.*
- 46. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to the commencement of works on the site for the development.*
- 47. 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 commencement of works on the site whether or not an electricity substation is required for the development.*
- 48. 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 Notice must be issued to the Building Regulations Certifier prior to the commencement of works on the site.

The Section 73 Certificate must be submitted to the Building Regulations Certifier prior to occupation of the development.

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

49. *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 the commencement of works on the site. A copy of the engineering calculations and plans are to be forwarded to Council, prior to the commencement of works, 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 e.g. the nature of the soil in the site and/or the presence of rock etc.*
- 50.** *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.*
- 51.** *Onsite detention of stormwater shall be required for that portion of the site that is to be redeveloped (this shall include any proposed landscaping works). The maximum discharge from the above site is not to exceed that which would occur during a **1 in 5** year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 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 Asset 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.

- 52.** *The school is located in an area where the soil generally has good infiltration rates. Where possible infiltration is Council's preferred method of stormwater disposal, subject to a Geotechnical report for the site.*

A Geotechnical report for the suitability of the site for infiltration shall include the following:-

- a) *The depth to rock.*
- b) *The depth to the water table.*
- c) *The measured infiltration rate.*
- d) *The infiltration rate that can be maintained long term.*
- e) *The minimum distance any infiltration trench should be located clear of property boundaries and structures. (Note: infiltration systems will not be permitted within 2.1 metres of side or rear boundaries)*
- f) *Whether the use of infiltration is likely to cause seepage problems to adjoining properties.*

- g) *Any waterproofing required to protect underground areas.*
- h) *Any special requirements for the design of walls or footings on the site.*
- i) *Any recommended geotextile fabrics or infiltration trench construction.*

- 53. *All site stormwater leaving the site must be discharged by gravity to the drainage system in Storey Street, Loch Maree Street or Moverly Road, via a new and/or existing kerb inlet pit. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
- 54. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by Council.*
- 55. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
- 56. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*
- 57. *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.

- 58. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
- 59. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
- 60. *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 the commencement of works on the site for the development).

61. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
62. Stormwater pipes shall be located in accessible locations.
63. Pump out systems will only be considered if the applicant can demonstrate to the Building Regulations Certifier 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.

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

- d) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- e) 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.*

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. *Prior to the issuing of an occupation certificate, the applicant shall submit to Building Regulations Certifier, 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 Building Regulations Certifier 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).*
67. *The applicant shall submit to the Building Regulations Certifier, 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 Building Regulations Certifier.*
68. *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:

69. *Prior to the commencement of works on the site 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 development, post construction. The waste management plan must include details of the amount of waste to be generated, sufficient storage space for the waste and access to the nominated storage area.*
70. *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.*

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

71. *The landscaped areas shown on the plan number DAL01 dated 20.01.04 shall be the subject of detailed landscape drawings and specifications, which are to*

be submitted to, and approved by, the certifying authority or {the Director of Assets & Infrastructure in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979}, prior to the commencement of works. 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), 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, 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 15 x 45 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. 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. Species selection shall be considered carefully and shall avoid species known to be toxic, poisonous or to cause skin irritations or breathing difficulties.*
 - j. The landscape plan shall include suitable shade trees to be incorporated into the landscape areas.*
- 72. 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.*
 - 73. 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.*
 - 74. 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.*
 - 75. 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.*
 - 76. 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.*
 - 77. In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, the Building Regulations Certifier, prior to commencement of works.

- 78. 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 prior to the commencement of work on the site shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

79. *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.*

80. *Approval is granted for the removal of the following trees subject to the planting of 20 x 45 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity, with several to be located within or close to open space areas (whether grass or bitumen) to ensure the adequate provision of shade.*

a) **Proposed carpark, Loch Maree Street frontage**

One Agonis flexuosa (Willow Myrtle) close to the northeast corner of the proposed carpark

b) **Trees 5-21, Group A.**

Tree 5: One Eucalyptus robusta (Swamp Mahogany)

Tree 8: One Eucalyptus robusta (Swamp Mahogany)

Tree 9: One Melaleuca quinquinervia (Broad Leafed Paperbark)

Tree 10: One Eucalyptus robusta (Swamp Mahogany)

Tree 11: One Corymbia maculata (Spotted Gum)

Tree 14: One Eucalyptus species (Gum tree)

Tree 15: One Pinus species (Pine tree)

Tree 16: One Corymbia maculata (Spotted Gum)

Tree 18: One Pinus species (Pine tree)

Trees 19 & 20: Two Lophostemon confertus (Brush Box)

c) **Trees 22 & 23, Block E.**

Tree 22: One Pinus species (Pine tree)

Tree 23: One Allocasurina species (She-Oak)

Further, to the south of Tree no. 23, from north to south, one Allocasurina species (She-Oak), one Eucalyptus robusta (Swamp Mahogany), one Eucalyptus species (Gum tree) and one Eucalyptus species (Gum tree).

d) **Trees 24-33, Loch Maree Street frontage.**

Tree 25: One Melaleuca armillaris (Bracelet Honeymyrtle)

e) **Trees 63A-81, Block A.**

Tree 65: One Grevillea robusta (Silky Oak)

Tree 79: One Pinus species (Pine tree)

81. *In order to accommodate the proposed works and minimize damage to existing trees, permission is granted for the selective pruning of low growing branches of the following trees, if considered necessary. 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 24, one Pinus species (Pine tree)
Tree 25, one Platanus x hybrida (London Plane Tree)
Tree 27, one Lophostemon confertus (Brush Box)
Trees 38-45 on the south side of Block C

82. *In order to ensure the retention of trees 24, 26 and 27 (24, one Pinus species (Pine tree), 26, One Platanus x hybrida (London Plan Tree) and 27, one Lophostemon confertus (Brush Box) located to the east of Block D in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation 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. *This group of trees are to be physically protected by the installation of protective fencing along the western side of these trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 2 metres from the outside edge of the tree trunks.*

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

- c. *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.*

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

- d. *Any excavations required for footings, structures, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 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.*
- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

83. *In order to ensure the retention of the group of trees in the southeast corner of the site, only those covered by Council's Tree Preservation Order, within trees numbered 38-45 in good health, the following measures are to be undertaken:*

- (a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation 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) *This group of trees are to be physically protected by the installation of protective fencing along the western side of these trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a*

minimum radius of 2 metres from the outside edge of the tree trunks.

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

- (c) 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.*

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

- (d) Any excavations required for footings, structures, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 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.*
- (e) The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

84. *In order to ensure the retention of tree 21 (Ficus macrophylla, Moreton Bay Fig) to the west of the basketball court, in good health, the following measures are to be undertaken:*

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. Details are to be provided of the method to be used in removing the bitumen surface from around this tree.*

85. *In order to ensure the retention of trees 73-81, located along the Anzac Parade frontage of the site in good health, during the construction of the acoustic wall, the following measures are to be undertaken:*

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation 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, 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.*

ADVISINGS

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

commencement of any building/demolition works.

- A2. *The applicant is advised that the 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 D2 - Egress*
- b) *Part E1 - Fire fighting equipment*
- c) *Part E4 - Emergency lighting, exit signs and warning systems*

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided to the Building Regulations Certifier prior to the commencement of the works.

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

**9.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
30/2004 - 26 ALISON ROAD, RANDWICK. (D/0231/2004)**

85 **RESOLUTION: (Daley/Procopiadis) 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. 0231/04 for permission to carry out alterations and first floor additions to the existing dwelling at 26 Alison Road, Randwick, subject to the following conditions: -*

- 1 *The development must be implemented substantially in accordance with the plans, numbered 23/04, dated 22 March 2004 and received by Council on 2 April 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.

- 3 *The colour and texture of the brickwork is required to match, as closely as possible, the existing external walls of the building.*

- 4 *The design and colour of the roof tiles to the proposed building/s are required*

to match, as closely as possible, the material and colour of the existing roof.

- 5 *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
- 6 *Any alterations to the shared chimney, including removal, are not to be carried out with the consent of the owner of the adjoining premises at 28 Alison Road Randwick.*

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

- 7 *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.*
- 8 *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.*

- 9 *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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:

- 10 *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*

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

- 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 works, the person having the benefit of the development consent must:-*
 - i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

- 15 *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before

carrying out any further works.

16 *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
- *name, address and telephone number of the Principal Certifying Authority,*
- *a statement stating that “unauthorised entry to the work site is prohibited”.*

17 *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

18 *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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

19 *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.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

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

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

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

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

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

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

- 21 *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.*
- 22 *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”.*
- 23 *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 made available to the Council officers and all building contractors for assessment.*
- 24 *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.*
- 25 *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.

- 26 *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.*
- 29 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
- 30 *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*

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

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

ADVISORY MATTERS:

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

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

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.

You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

**9.10 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
31/2004 - 14 - 16 DAINTRY CRESCENT AND 4 DUDLEY STREET,
RANDWICK. (D/0197/2004)**

86 **RESOLUTION:** *(Notley-Smith/Hughes)* that Council press Option 1 with a further 850mm reduction of the northern section of the development by reducing the pitched roof element and engage the services to a registered surveyor to confirm through a proper survey the accurate depiction of site lines for the locality.

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

10. PETITIONS.

10.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR MATSON ON BEHALF OF RESIDENTS OF NEWINGTON TOWERS WHO ARE SEEKING RELIEF FROM EARLY MORNING DELIVERY TRUCKS IN PICADILLY PLACE SERVICING THE MAROUBRA MALL SHOPS. (98/S/1173 xr P/002265(02))

87 **RESOLUTION:** *(His Worship The Mayor, Cr M. Matson)* that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

10.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR MATSON ON BEHALF OF RESIDENTS OF NO's. 55 TO 77 HOOPER STREET, RANDWICK SEEKING PARKING ZONES & ONE-WAY TRAFFIC. (98/S/1173 xr R/0387/02 (1))

88 **RESOLUTION:** *(His Worship The Mayor, Cr M. Matson)* that the petition be received and noted.

10.3 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR MATSON ON BEHALF OF RESIDENTS LIVING ADJACENT TO THE PROPOSED DEVELOPMENT AT 126-130 BARKER STREET, RANDWICK OBJECTING TO THE PROPOSAL. (98/S/1173 xr D/0084/2004)

89 **RESOLUTION:** *(His Worship The Mayor, Cr M. Matson)* that the petition be referred for consideration in conjunction with the development application.

10.4 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR MATSON ON BEHALF OF RESIDENTS OF SHIRLEY CRESCENT, MATRAVILLE SEEKING CONSTRUCTION OF FOOTPATHS IN SHIRLEY CRESCENT AND SHIRLEY LANE AND NATURE STRIPS AND ROAD REPAIRS. (98/S/1173 xr R/0676/01)

90 **RESOLUTION:** *(His Worship The Mayor, Cr M. Matson)* that the petition be received and noted

10.5 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR MATSON ON BEHALF OF RESIDENTS WHO ARE SUPPORTING THE ALDI SUPERMARKET IN BEAUCHAMP ROAD, MATRAVILLE. (98/S/1173 xr 98/S/5028(3))

91 **RESOLUTION:** *(His Worship The Mayor, Cr M. Matson)* that the petition be received and noted as the development application has already been determined.

10.6 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR MATSON

ON BEHALF OF RESIDENTS OF COOGEE OBJECTING TO THE BARKING OF A DOG WHICH RESIDES AT 4/68 DUDLEY STREET, COOGEE. (98/S/1173 xr P/018559(01))

92 **RESOLUTION:** *(His Worship The Mayor, Cr M. Matson)* that the petition be referred to the appropriate Council officer for action.

11. MOTIONS PURSUANT TO NOTICE.

11.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS WHITE, ANDREWS, BASTIC, DALEY & SULLIVAN– HEALTH, BUILDING & PLANNING COMMITTEE MEETING, TUESDAY, 11TH MAY, 2004 – ITEM 5.8 – DEVELOPMENT APPLICATION REPORT – 30 AVOCA STREET, RANDWICK. (98/S/0893)

93 **RESOLUTION:** *(Andrews/Procopiadis)* that the resolution passed at the Health, Building & Planning Committee Meeting held on Tuesday, 11th May, 2004, reading as follows:-

“that Council’s original determination of Development Application No.0759/03 dated 27 August 2003 to enclose ground floor verandah and construct a new awning roof (Heritage Conservation Area) at 30 Avoca Street, Randwick, be confirmed for the following reasons:

- a) The proposal is not sympathetic to, and detracts from the distinctive character of the building, and from its streetscape value;*
- b) The proposal 03/01121/GB does not comply with Clause 43 of Randwick Local Environmental Plan 1998, in that it would adversely affect the heritage significance of the North Randwick Conservation Area;*
- c) Approval of the proposal will not be in the public interest in that it will set an undesirable precedent for further verandah and balcony enclosures, which will adversely impact on the heritage significance of the North Randwick Conservation Area; and*
- d) The proposal does not comply with the aims of Randwick Local Environmental plan 1998 in that the proposal does not contribute to the conservation of the environmental heritage and aesthetic character of the City.”*

be and is hereby rescinded.

94 **RESOLUTION (FURTHER):** *(Andrews/Sullivan)* that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.759/03 for permission to enclose ground floor verandah and construct new awning roof over for 30 Avoca Street, Randwick, subject to the following conditions:

- 1. The development must be implemented substantially in accordance with the plans numbered 9608, sheets 1 and 2, dated 21 July 2003 and received by Council on 27 August 2003, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

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

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

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:

- 4. Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application 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 prior to commencement of works.

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

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

- 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*

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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 works, the person having the benefit of the development consent must: -*

- i) appoint a Principal Certifying Authority for the building work; and*
- ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

10. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

11. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

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- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);
- name, address and telephone number of the Principal Certifying Authority; and
- a statement stating that “unauthorised entry to the work site is prohibited”.

12. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

13. 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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

14. 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.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

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

15. *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.*
16. *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".*
17. *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 made available to the Council officers and all building contractors for assessment.*
18. *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.*
19. *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.*
20. *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.

21. *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.*
22. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local*

Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

23. *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*
24. *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.

25. *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.*
26. *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 geo-textile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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.

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: (Andrews/Procopiadis) SEE RESOLUTION.

11.2 BY COUNCILLOR BASTIC – FORMER COUNCILLORS RETAINING THEIR COUNCIL MOBILE PHONES AND FAXES. (98/S/0090 xr 98/S/0178)

95 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Hughes)** that former Councillors Backes, Matthews, Schick, Whitehead & Greenwood be permitted to retain their mobile phones and fax machines at the residual value for these items, in accordance with the Council's Policy on the disposal of those assets.

MOTION: (Bastic/Andrews) that the former Councillors Backes, Matthews, Schick, Whitehead and Greenwood be permitted to retain their Council provided mobile phones and fax as a small token of appreciation of their service to the community as Elected Representatives.

AMENDMENT: (His Worship the Mayor, Cr M. Matson/Hughes) SEE RESOLUTION.

11.3 BY COUNCILLOR ANDREWS – CIVIC RECEPTION FOR CHARLES MATTHEWS. (98/S/0100 (5) xr 98/S/0178)

MOTION: (Andrews/Sullivan) that Council acknowledge the services of Charles Matthews to the people of the City of Randwick by hosting a civic reception on his behalf. **LOST.**

A division was called for by Crs Andrews & Bastic. Voting was as follows:-

For	Against
Andrews	Belleli
Bastic	Hughes
Daley	Kenny
Procopiadis	His Worship the Mayor, Cr M. Matson
Sullivan	Nash
White	Notley-Smith
	Seng
	Woodsmith

11.4 BY COUNCILLOR SENG – EXISTING USE RIGHTS UNDER ENVIRONMENTAL ASSESSMENT ACT. (98/S/0368 (2) xr 98/S/0178)

96 **RESOLUTION: (Seng/Notley-Smith)** that Randwick Council urge the State Government to introduce legislation to place numerical and clearly defined controls on developments that rely on the existing use rights provisions in the Environmental Planning & Assessment 1979.

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

11.5 BY COUNCILLOR SENG – COUNCILLOR MOBILE PHONES. (98/S/0090 xr 98/S/0178)

97 **RESOLUTION: (Seng/Nash)** that:

- a) *The General Manager investigate the possibility of introducing a new policy in regard to Councillors use of Council provided mobile telephones with the following objectives:*
- i) *to reduce wastage and the prevention of any possible abuse; and*
 - ii) *to limit each Councillor's call charges to a maximum of \$150 per month; and*
- b) *Notwithstanding the above, the current practice of Council utilising the * button be retained to indicate private use and the billing of Councillors for such private use continue by the Council.*

MOTION: (Seng/Nash) SEE RESOLUTION.

11.6 BY COUNCILLOR DALEY – PUBLIC CAR PARK AT MATRVILLE SHOPPING CENTRE. (98/S/0914 xr 98/S/0178)

- 98 **RESOLUTION: (Daley/White)** *that the Director of Assets & Infrastructure Services be authorised to liaise with the Matraville Chamber of Commerce in respect to the erection of signage to alert the public to the existence of the public carpark at Matraville Shopping Centre, and that Council fund this signage.*

MOTION: (Daley/White) SEE RESOLUTION.

11.7 BY COUNCILLOR DALEY – BEAR COTTAGE CHILDREN'S HOSPICE. (98/S/3580 (3) xr 98/S/0178)

- 99 **RESOLUTION: (Daley/Sullivan)** *that Council donate a sum of \$500 to Bear Cottage Children's Hospice to assist in its fundraising efforts at the Randwick Ritz on Wednesday, 23 June, 2004.*

MOTION: (Daley/Sullivan) SEE RESOLUTION.

11.8 BY COUNCILLOR PROCOPIADIS – WAR MEMORIAL KOKODA PARK, KENSINGTON. (98/S/1018 xr 98/S/0178)

- 100 **RESOLUTION: (Notley-Smith/Hughes).** *that the Director of Assets & Infrastructure Services discuss the matter with the Kensington R.S.L. Club and achieve a satisfactory remedy to the issue.*

MOTION: (Procopiadis/Sullivan) *that Council design and construct a form of barrier around the new War Memorial in Kokoda Park, Kensington to prevent the memorial from being used by skateboarders.*

AMENDMENT: (Notley-Smith/Hughes) SEE RESOLUTION.

11.9 BY COUNCILLOR PROCOPIADIS – RE-OPENING OF DALMENY AVENUE AT KIMBERLEY GROVE. (R/0462/02 xr 98/S/0178)

- 101 **RESOLUTION: (Procopidais/Andrews)** *that Council's Traffic Officers meet with representative/s of the Minister for Roads in relation to residents' requests for the re-opening of Dalmeny Avenue at Kimberley Grove.*

AMENDMENT: (Hughes/Matson) *that prior to approaching representatives of the*

Minister for Roads, a report on the wider issues of traffic effects in the area of Southern Cross Drive/Eastern Distributor be prepared by the Director Assets & Infrastructure Service and this report be presented back to Council so that Council may approach the Minister with a strategic direction and a range of requests to be recommended by the Director in his report.
LOST.

MOTION: (Procopiadis/Andrews) SEE RESOLUTION.

11.10 BY COUNCILLOR PROCOPIADIS – INTRODUCTION OF “NO PARKING” ON NORTHERN SIDE OF BARKER STREET. (R/0060/02 xr 98/S/0178)

102 **RESOLUTION: (Procopiadis/Notley-Smith) that:**

- a) *The Traffic Committee review the parking on the northern side of Barker Street adjacent to Kensington Oval, with a view to introducing “No Parking” to ease congestion; and*
- b) *The matter then be referred back to Council for consideration.*

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

11.11 BY COUNCILLOR PROCOPIADIS – CONSTRUCTION OF WHEELCHAIR/PRAM ACCESS ON BORONIA STREET & KENSINGTON ROAD, KENSINGTON. (R/0098/01 xr R/0439/01 xr 98/S/0178)

103 **RESOLUTION: (Procopiadis/Andrews) that Council construct ramps for wheelchair and pram access on Boronia Street and Kensington Road, Kensington at their intersection with Duke Street.**

MOTION: (Procopiadis/Andrews) SEE RESOLUTION.

11.12 BY COUNCILLOR BASTIC – MAHON POOL. (98/S/1198 xr 98/S/0178)

104 **RESOLUTION: (Bastic/Sullivan) that the Mayor explain to Council why the cleaning and removal of algae at Mahon Pool is now being undertaken by the Maroubra Winter Swimming Club at its expense.**

MOTION: (Bastic/Sullivan) SEE RESOLUTION.

11.13 BY COUNCILLOR HUGHES – PUBLIC NOTIFICATION OF WORKS PROPOSALS. (98/S/5598 xr 98/S/0178)

105 **RESOLUTION: (Hughes/Daley) that:**

- a) *Council adopts a policy of notification of adjoining residents when significant street trees are to be removed;*
- b) *Council will also erect a prominent sign near the infrastructure concerned so that passing residents are aware that changes are proposed;*
- c) *Notification is also to be sent to the local precinct committee;*
- d) *The exhibition and submission period is to be a minimum of two weeks; and*
- e) *The Policy Register be updated accordingly.*

MOTION: (Hughes/Daley) SEE RESOLUTION.

11.14 BY COUNCILLOR WOODSMITH – CLOVELLY PRECINCT COMMITTEE. (98/S/0007 xr 98/S/0178)

106 **RESOLUTION:** *(Woodsmith/Kenny) that the Mayor, through the Mayoral Column, invite the Clovelly community to display an expression of interest in the Clovelly Precinct Committee being re-established.*

MOTION: *(Woodsmith/Kenny) SEE RESOLUTION.*

11.15 BY COUNCILLOR WOODSMITH – USE OF DARLEY ROAD & COWPER STREET FOR NIGHT PASSAGE OF HEAVY VEHICLES. (R/0221/02 xr R/0205/02 xr 98/S/0178)

107 **RESOLUTION:** *(Woodsmith/Hughes) that a report be prepared by the Director Assets & Infrastructure Services on the matter of:*

- a) *The sign prohibiting the use of Darley Road by heavy vehicles during the hours of night being removed; and*
- b) *The use of Cowper Street by heavy vehicles being prohibited during night hours with the exception of STA buses and signs being erected to that end.*

MOTION: *(Woodsmith/Hughes) SEE RESOLUTION.*

11.16 BY COUNCILLOR SULLIVAN – PARKING METERS ACROSS RANDWICK. (F2004/07401 xr 98/S/0178)

108 **RESOLUTION:** *(Sullivan/Daley) that Council hold a series of public meetings chaired by the Mayor as part of the consultation with residents about the proposal to introduce parking meters across Randwick.*

A division was called for by Crs Sullivan & Daley. Voting was as follows:-

For	Against
Andrews	Hughes
Bastic	His Worship the Mayor, Cr M. Matson
Belleli	Woodsmith
Daley	
Kenny	
Nash	
Notley-Smith	
Procopiadis	
Seng	
Sullivan	
White	

RESOLVED PROCEDURAL MOTION: *(Daley/Sullivan) that the scheduled conclusion time for the Council Meeting be extended by 10 minutes.*

11.17 BY COUNCILLOR WOODSMITH – FEASIBILITY OF ANGLE PARKING IN CHURCH STREET, RANDWICK. (R/0179/02 xr 98/S/0178)

109 **RESOLUTION:** (*Woodsmith/Hughes*) that the Traffic Committee be requested to investigate the feasibility of angle parking being implemented in Church Street, Randwick.

MOTION: (Woodsmith/Hughes) SEE RESOLUTION.

12. URGENT BUSINESS.

Nil.

13. CONFIDENTIAL REPORT.

13.1 CONFIDENTIAL DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 26/2004 - S611 - RESULT OF COURT CASE AND DISTRIBUTION OF COSTS. (98/S/3624)

(Cr Nash declared an interest in this item as he is a shareholder in Telstra & he left the Chamber and took no part in the discussion or voting.)

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

- a) *The information contained in the Director Assets & Infrastructure Services' Report No. 26/2004 be received and noted; and*
- b) *Council write to the Local Government Association requesting it to pursue the defrayal of costs amongst all councils who would have benefited from the S611 charges.*

MOTION: (Daley/White) SEE RESOLUTION.

14. COMMITTEE-OF-THE-WHOLE.

Nil.

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

Nil.

16. NOTICE OF RESCISSION MOTIONS.

A notice of rescission motion on Item 9.4, 695 Anzac Parade, Maroubra was submitted prior to the conclusion of the Meeting by Councillors Andrews, Bastic, Daley, Sullivan & White and will be considered at the next available meeting.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 11.34 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22ND JUNE, 2004.

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CHAIRPERSON