

**MINUTES OF ORDINARY COUNCIL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY 21<sup>ST</sup> SEPTEMBER, 2004 AT 6:23 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, Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan (from 6.35 p.m.)
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs C. Bastic & T. Seng (from 8.14 p.m.)

**OFFICERS PRESENT:**

Acting General Manager	Ms. S. Truvert.
Director Asset & Infrastructure Services	Mr. M. Savage.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.
Manager Waste	Mr. R. Wade.
Manager Development Assessment	Mr. K. Kyriacou.

**1. COUNCIL PRAYER**

The Council Prayer was read by Councillor Notley-Smith.

**2. APOLOGIES.**

Nil.

**2A. LEAVE OF ABSENCE – COUNCILLOR ANDREWS.**

Leave of Absence had previously been granted to Cr Andrews, Minute No. 185/2004.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 24<sup>TH</sup> AUGUST, 2004.**

222 **RESOLUTION:** *(Notley-Smith/Kenny) that the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> August, 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)** that the meeting be adjourned at 6.24 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

#### **4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS**

Nil.

(Note: See Item 7.1 Declaration by Councillor Seng who was not present at the meeting at the time when Declarations were initially received.)

#### **5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.**

1. Mr Bill Hayes, 343 Alison Road, Coogee on Item 7.3, Acting General Manager's Report 26/2004 - Authorisation To Enter Into A Licence Agreement with Gordons Bay Amateur Fishing & Volunteer Sea Rescue Club Inc.
2. Ms Rozita Leoni, 3/41 Minneapolis Crescent, Maroubra on Item 8.3, Director Asset & Infrastructure Services' Report 67/2004 - Demolition Of Old Bus Terminus Building Marine Parade, Maroubra Beach.
3. Ms Liz Lo, 109 Donovan Avenue, Maroubra on Item 8.5, Director Asset & Infrastructure Services' Report 69/2004 - Proposed Relocation Of A Bus Stop In Donovan Avenue, Maroubra.
4. Mr Sol Wilk, 117 Ebley Street, Bondi Junction on Item 10.1, Acting Director Planning & Community Development's Report 71/2004. - 7 Hinkler Street, Maroubra.
5. Mr Michael Carmont, 1486 Anzac Parade, Little Bay, objector on behalf of W & J Fitzgibbon, 38 First Avenue, Maroubra on Item 10.2, Acting Director Planning & Community Development's Report 72/2004 - 40 First Avenue, Maroubra.
6. Mr Mladen Kos, 10 Bell Street, Maroubra on Item 10.2, Acting Director Planning & Community Development's Report 72/2004 - 40 First Avenue, Maroubra.
7. Mr Andrew Lysaght, 170 Newland Street, Bondi Junction on Item 10.4, Acting Director Planning & Community Development's Report 74/2004 - 18 Govett Street, Randwick.
8. Ms Lousisa Ingram, 15A Prospect Street, Waverley on Item 10.4, Acting Director Planning & Community Development's Report 74/2004 - 18 Govett Street, Randwick.
9. Mr Mario De Nicola, 37 Windsor Street, Matraville on Item 10.5, Acting Director Planning & Community Development's Report 75/2004 - 37 Windsor Street, Matraville.
10. Ms Sheree Wilson, 32 Bay Street, Coogee on Item 10.6, Acting Director Planning & Community Development's Report 76/2004 - 164 Brook St Coogee.
11. Mr Greg Prentice, 75 Pigott Street, Dulwich Hill on Item 10.7, Acting Director Planning & Community Development's Report 77/2004 - 68-70 Perry Street, Matraville.
12. Mr David William, Suite 7, 2<sup>nd</sup> floor, Compass Centre, cnr North Terrace & Featherston Street, Bankstown on Item 10.7, Acting Director Planning & Community Development's Report 77/2004 - 68-70 Perry Street, Matraville.
13. Mr David Hoy, Urbis JHD, Level 18, 60 Castlereagh Street, Sydney on Item 10.9, Acting Director Planning & Community Development's Report 79/2004 - 2 Bumborah Point Road, Port Botany.
14. Mr Michael Bracken, 70 Donovan Avenue, Maroubra on Item 12.1, By Councillor Bastic – Coogee Tennis Club.

The meeting was further adjourned at 7.34 p.m. and then resumed at 8.14 p.m. with Councillor Seng present.

**6. MAYORAL MINUTES.**

**6.1 MAYORAL MINUTE 66/2004 – 29 FRENCH STREET, MAROUBRA.  
(PROP033069 xr 98/S/0178)**

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

- (a) *Council notes the Access Committee's recommendation that it does not support the allocation of funds to a one off specific project;*
- (b) *the property owners be advised that Council is prepared to construct the requested stairs at the owner's cost; and*
- (c) *Council note that the Access Committee will formulate a clear policy for Council to use in cases similar to this.*

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

**6.2 MAYOR'S MINUTE 67/2004 – DECORUM IN COUNCIL MEETINGS.  
(98/S/1738)**

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

- 1. *Clause 43 (2) of the Code of Meeting Practice be amended to read as follows.*

*The Chairperson may require a Councillor:*

- (a) *to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b) above; or*
  - (b) *to withdraw a motion or an amendment referred to in subclause (1) (c) above and, where appropriate, to apologise without reservation; or*
  - (c) *to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e) above; and*
  - (d) *to apologise without reservation for an act of disorder (committed at preceding Council or Committee meetings) for which that Councillor failed to apologise for without reservation when requested by the Chairperson at the time.*
- 2. *the new draft Code of Meeting Practice be placed on public exhibition for the required process of public consultation.*

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

**PROCEDURAL MOTION:** *(Bastic/Daley) that the matter be deferred pending the introduction of the Local Government (Amendment) Discipline Bill. LOST.*

**6.3 MAYOR'S MINUTE 68/2004 – PRACTICE FOR THE MANAGEMENT OF  
PLASTIC BAGS. (98/S/4949)**

225 **RESOLUTION:** (*Notley-Smith/Kenny*) that this matter be deferred to the next Committee Meetings.

**MOTION:** (**His Worship the Mayor, Cr M. Matson**) that Council writes to the NSW Minister for the Environment and to the Premier:

- (a) informing them that Council will be participating in Planet Ark's "Plastic Bag Free Challenge"; and
- (b) urging the Government to proceed with enforcing non-voluntary Extended Producer Responsibility onto plastic bag producers. **LOST.**

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

**6.4 MAYOR'S MINUTE 69/2004 – BALI TRAGEDY SECOND ANNIVERSARY COMMEMORATIONS. (98/S/4912)**

226 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that Council support the two functions to mark the second anniversary of the Bali bombings as outlined and approve \$8678 from the Councillors' contingency vote to assist these events.

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

**6.5 (VERBAL) MAYOR'S MINUTE 70/2004 – RESIGNATION OF DIRECTOR ASSET & INFRASTRUCTURE SERVICES – MR MICK SAVAGE. (Personnel)**

227 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that Council thanks and commends Mr Savage on his twenty seven (27) years of service and achievements at the Council.

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

**7. ACTING GENERAL MANAGERS' REPORTS.**

**7.1 ACTING GENERAL MANAGER'S REPORT 24/2004 - SALE OF LAND ADJACENT TO 276 DONCASTER AVENUE & EDWARD AVENUE, KINGSFORD. (R/0240/00)**

(Cr Seng declared a non-pecuniary interest, as he is acquainted with the solicitor acting for the applicant, and he left the Chamber.)

228 **RESOLUTION:** (*Procopiadis/Daley*) that the owners of 276 Doncaster Avenue, Kensington be advised that the offer of \$40,000.00 plus GST plus all property transfer associated expenses is accepted.

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

**7.2 ACTING GENERAL MANAGER'S REPORT 25/2004 - AFFIXING OF THE COUNCIL SEAL. (P/006684 xr P/001262)**

229 **RESOLUTION:** (*Notley-Smith/Daley*) that authority be granted for the Council's Common

*Seal to be affixed to the agreements between Council and*

1. *Richard Millard & Darto Darto (T/As Isabella's Purely Pasta) in relation to a licence for the purpose of outdoor dining at 2/183 Alison Road, Randwick; and*
2. *New South Wales Land & Housing Corporation in relation to a lease over Part of Lot 2 in DP 212919 known as 133A Boyce Road, Maroubra.*

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

**7.3 ACTING GENERAL MANAGER'S REPORT 26/2004 - AUTHORISATION TO ENTER INTO A LICENCE AGREEMENT WITH GORDON'S BAY AMATEUR FISHING & VOLUNTEER SEA RESCUE CLUB INC. (98/S/1526)**

(Cr Seng returned to the Chamber at this stage of the meeting.)

- 230 **RESOLUTION: (Notley-Smith/Belleli)** *that Council enter into a licence with the Gordon's Bay Amateur Fishing & Volunteer Sea Rescue Club for a period of four (4) years, commencing 1 January 2004 and terminating on 31 December 2007.*

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

**7.4 ACTING GENERAL MANAGER'S REPORT 27/2004 - AUSTRALIAN RESEARCH LINKAGE PROJECT - "A REGIONAL STUDY OF CHANGING TOURISM DYNAMICS IN SYDNEY" - REQUEST FOR COUNCIL'S FINANCIAL AND IN-KIND SUPPORT. (98/S/1491)**

- 231 **RESOLUTION: (Daley/Woodsmith)** *that Council endorse the Mayor's commitment to support this research project, to the extent of \$37,500 (comprising \$7,500 cash and \$30,000 in-kind support) and advise the University accordingly.*

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

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

**8.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 65/2004 - ROAD ASSET MANAGEMENT PLAN. (98/S/5446)**

- 232 **RESOLUTION: (Notley-Smith/Daley)** *that:*

1. *Council adopt the Randwick City Council Road Pavement Asset Management Plan for the management of Council's roads;*
2. *the Adopted Road Pavement Asset Management Plan be placed on Council's web-site to provide public access; and*
3. *the Road Pavement Asset Management Plan be reviewed annually in conjunction with the preparation of the Council's Budget and Management Plan to ensure updated information is provided as input into the Council planning process.*

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

**8.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 66/2004 - NEVORIE CRESCENT, MAROUBRA - PETITION AGAINST FOOTPATH CONSTRUCTION. (R/0564/01)**

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

- (a) *the residents of Nevorie Crescent be advised that Council has investigated their request and agreed to abandon the footpath works in this street; and*
- (b) *the available funds be allocated to provide a footpath on the western side of Henning Avenue between Moverly Road and Holmes Street.*

**MOTION:** (Seng/Nash) SEE RESOLUTION.

**8.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 67/2004 - DEMOLITION OF OLD BUS TERMINUS BUILDING MARINE PARADE, MAROUBRA BEACH. (98/S/2526)**

234 **RESOLUTION:** *(Notley-Smith/Daley) that this item be deferred for three (3) months and a further report be submitted on the matter at that time.*

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

**8.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 68/2004 - LOCAL DISASTER PLANS - EMERGENCY RISK MANAGEMENT. (98/S/1474)**

235 **RESOLUTION:** *(Notley-Smith/Nash) that Council note the contents of the report and endorse the commencement of Stage 2 of the Emergency Risk Management planning process.*

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

**8.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 69/2004 - PROPOSED RELOCATION OF A BUS STOP IN DONOVAN AVENUE, MAROUBRA. (R/0243/02)**

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE ACTING GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON TUESDAY, 12<sup>TH</sup> OCTOBER, 2004.)**

236 **RESOLUTION:** *(Notley-Smith/Hughes) that Council endorse the recommendation of the Randwick Traffic Committee for the relocation of existing Sydney Buses J stem situated on the southern side of Donovan Avenue, Maroubra, from its present position at a point 54.5 metres west of Paine Street to a new position at 48.5 metres west of Paine Street.*

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

(Note: The Mayor indicated that he used his casting vote for the resolution.)

**9. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORTS.**

**9.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 28/2004 - REVIEW OF WARD BOUNDARIES. (98/S/4497)**

237 **RESOLUTION:** *(Notley-Smith/Sullivan)* that the Council review its current ward boundaries and utilise the Australian Electoral Commission to undertake this review, with the brief that any suggested options for changing the boundaries needs to achieve a less than 10 per cent variation in the number of electors between the Wards.

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

**9.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 29/2004 - PROFESSIONAL CONSULTANCY SERVICES - TENDER NO T017/04. (F2004/07510)**

238 **RESOLUTION:** *(Nash/Notley-Smith)* that:

1. *the tenderers listed in each category of the "Recommended Consultant Schedule", for Professional Consulting Services be awarded for a 3 year term with 2 options to extend for a further term of 12 months each be accepted, and that Council enter into Contracts under Clause 19 of the Local Government (Tendering) Regulation 1999;*
2. *authority be granted for the General Manager in conjunction with the Mayor to sign and affix Council's Common Seal to enter into contracts on behalf of Council with the recommended tenderers for Professional Consulting Services, as listed in the "Recommended Consultant Schedule"; and*
3. *the unsuccessful tenderers be notified of the tender result.*

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

**9.3 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 30/2004 - REPORT ON INVESTMENTS FOR 2003-2004. (98/S/0745)**

239 **RESOLUTION:** *(Notley-Smith/Woodsmith)* that the Director Governance, Management and Information Services Report 30/2004 be received and noted, and it be further noted that the report of Grove Financial Services was tabled.

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

**10. ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.**

**10.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 71/2004. - 7 HINKLER STREET, MAROUBRA. (DA 95/2004)**

240 **RESOLUTION:** *(Bastic/White)* 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. 0095/2004 by the deletion of Condition No. 3 of the consent to carry out alterations and additions to the existing dwelling at 7 Hinkler Street, Maroubra.

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

**10.2 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S  
REPORT 72/2004 - 40 FIRST AVENUE, MAROUBRA. (D/502/2004)**

241 **RESOLUTION: (White/Belleli) 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. 502/04 for demolition of the existing dwelling and erection of a new two storey dwelling with associated roof top terrace and basement garaged at 40 First Ave Maroubra subject to the following conditions:

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

1. *The two balconies to the first floor southern elevation shall be deleted from the plans. The support columns and associated gable ends shall also be deleted. The associated glass doors shall be converted into standard dimension windows. Any changes to the roof form as a result of the deleted gables shall be hipped in keeping with the approved roof form and be setback to the building alignment.*
2. *The Juliet balconies to the first floor northern elevation shall be deleted from the plans.*
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.*

*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.*

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

<i>Driveway Entrance – Eastern Edge</i>	<i>RL 38.85.</i>
<i>Western Edge</i>	<i>RL 38.80.</i>
<i>Pedestrian Gate Entrance</i>	<i>RL 38.80</i>

*The design alignment levels (concrete/paved/tiled level) issued by Council must be submitted on the amended plans. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*

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

1. *The development must be implemented substantially in accordance with the plans numbered 1 of 8 through to 8 of 8 Issue A dated 27/05/04, and received by Council on 22 June 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions, and the details approved pursuant to the deferred commencement 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. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*

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

3. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

*The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.*

4. *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.*

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

5. *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.*
6. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas, toilet flushing, clothes washing (cold water tap only) within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy*

*The tank is to be located a minimum of 500mm from the side boundaries and is to*

have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate plans, to the satisfaction of the Certifying Authority.

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.

**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:**

7. 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.

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.

8. 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:**

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 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.*

13. *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.*

14. *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".*
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 (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.*

16. *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.*

17. *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.*

18. *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 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.*

25. *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.*

26. *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.*
27. *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.*
28. *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.*
29. *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.*
30. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
31. *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.*

32. *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.*
33. *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.*

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

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

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

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

*Details of the proposed sediment control measures are to be detailed in a soil and water management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

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

36. *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.*

37. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*
38. *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.*

*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.*

### **Security Deposit Conditions**

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

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

a)      \$2000.00      -      Vehicular crossing deposit

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



### ***Traffic conditions/Civil Works Conditions***

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

40. *The applicant must meet the full cost for Council or a Council approved contractor to:*
41. *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
42. *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
43. *Reconstruct the kerb and gutter with associated roadworks along the full site frontage.*
44. *Excavate and regrade Council's nature strip to suit Council's issued alignment levels.*
45. *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.*
46. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

### ***Alignment Level Conditions***

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

47. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$314.00 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
48. *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.*

### *Service Authority Conditions*

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

49. *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.*
50. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

### *Drainage Conditions*

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

51. *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to a 5 metre square base infiltration area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.*

*The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.*

*Notes:*

- a. *The sediment/silt arrester pit shall be constructed:-*
  - i. *within the site at or near the street boundary.*
  - ii. *with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).*
  - iii. *with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.*
  - iv. *with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.*
  - v. *with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- b. *The infiltration/rubble pit shall:-*
  - i. *have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*

- ii. *be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.*
- iii. *be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.*

*Note: other equivalent methods of infiltration may be adopted.*

- iv. *have a minimum base area of 5.0 square metres (m<sup>2</sup>).*

*The outlet from the silt arrestor pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.*

- c. *The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter via a sediment/silt arrestor pit (as detailed in note a. above).*

*All works shall be to the satisfaction of the certifying authority.*

### ***Landscape Conditions***

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

52. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the 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.***
53. *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.*
54. *Landscaped areas must include an area dedicated to on-site composting.*
55. *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.*
56. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

*Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, the Principal Certifying Authority, prior to the*

*issue of the Construction Certificate.*

**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.*

- 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: (White/Belleli) SEE RESOLUTION.**

**10.3 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 73/2004 - 51 MOVERLY ROAD MAROUBRA. (DA 649/2004)**

242 **RESOLUTION:** *(Notley-Smith/Bastic) 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.649/04 for permission to erect a new covered pergola to the rear of the dwelling and erect a new outbuilding for use in conjunction with the swimming pool at 51 Moverly Road Maroubra subject to the following conditions: -*

- 1. The development must be implemented substantially in accordance with the plans numbered 1-3 inclusive, dated 10th October 2003 and received by Council on the 6th August 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 additions and outbuilding are to be compatible with the existing dwelling house to maintain the integrity and amenity of the existing building and the streetscape.*
- 3. The proposed pool house is not to be used for separate occupation.*

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

4. *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.*
5. *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:***

6. *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.*

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

7. *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.*

8. *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.*
9. *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.*
10. *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.*

- 11. 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.*

- 12. 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".*

- 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. *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.*
16. *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.*
17. *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.*

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

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

**10.4 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 74/2004 - 18 GOVETT STREET, RANDWICK. (D0183/2004)**

243 **RESOLUTION: (Sullivan/Nash) that:**

- A. *Council as the consent authority, grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. 0183/04 for Alterations and first floor additions to the existing dwelling house (Heritage Conservation Area) at 18 Govett Street, Randwick, subject to the following conditions:-*

**DEFERRED COMMENCEMENT CONDITIONS**

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

1. *The colours, materials and finishes of the external surfaces to the building and the garage are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and finishes (i.e. a sample board keyed to building elevations) are to be submitted and shall include (but not be limited by) the following:-*

*Samples of all external materials, including those for the walls and windows;  
Samples of the proposed roof tiles to be used. The proposed roof tiles are to match the roof tiles on the existing building as closely as possible; and  
The colour scheme proposed for all external surfaces of the dwelling.*

2. *The plans shall be amended to show the following:*

*The first floor extension to projecting side faceted bay on the northern elevation should be setback 850mm (the approximate length of one window) from its northern alignment.*



*To minimise loss of privacy to adjoining property to the south by overlooking, the first floor windows on the southern elevation of the dwelling that extend between Bed 3 and the stairwell are to have a minimum sill height of 1.5 metres from the floor, or any part of those windows that are below that height from the floor are fitted with obscure glazing; and*

*To minimise loss of privacy to adjoining property to the north by overlooking, those parts of the first floor windows to the northern and eastern elevations of the Parent's Retreat shall be fitted with obscure glazing below 1.5 metres from floor level.*

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

### **DEVELOPMENT CONSENT CONDITIONS**

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

- 1. The development must be implemented substantially in accordance with the plans numbered A-00 to A-15, Issue B, dated 24 May 2004 and received by Council on 23 July 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the Deferred Commencement conditions and as may be shown in red on the attached plans:*

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

- 2. 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 addition to the top storey of the dwelling.*

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

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

6. *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:***

7. *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.*

8. *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.*
9. *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.*
10. *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.*
11. *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.*

12. *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:***

13. *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:***

14. *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.*
15. *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.*

16. *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.*
17. *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.*
18. *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.*

19. *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.*
20. *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.*
21. *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.*
22. *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.*

23. *In order to ensure the retention of the Cupressus species (Cypress Pine) located on the site in good health, the following measures are to be undertaken:*

- (a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- (b) *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1.5 metres from the outside edge of the tree trunk.*

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

- (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 and no stockpiling of soil or rubble.*

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

- (d) *Any excavations required for footings, structures, retaining walls paving etc within 1.5 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- (e) *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

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

- 24. *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**.*

**MOTION: (Sullivan/Nash) SEE RESOLUTION.**

**10.5 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 75/2004 - 37 WINDSOR STREET, MATRAVILLE. (DA441/2004)**

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

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 441/2004 for the construction of a hard stand car space at 37 Windsor Street, Matraville for the following reasons:-*
- 1. The proposal does not satisfy "Randwick Development Control Plan – Dwelling Houses and Attached Dual Occupancies – Part 4.2.7, Objectives and Performance Requirement P1 as the proposal will detract from the appearance of the dwelling and the local streetscape.*
  - 2. The proposal does not satisfy "Randwick Development Control Plan – Dwelling Houses and Attached Dual Occupancies – Part 4.2.7, Preferred Solutions S2, as the proposal will occupy more than 35% the width of the site.*
  - 3. The proposal would result in the loss of one on-street car parking space.*
  - 4. The provision of a second separate driveway crossing would set an undesirable precedent in the street.*

**MOTION: (Kenny/Belleli) that the application be approved subject to standard conditions of consent. LOST.**

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

**10.6 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 76/2004 - 164 BROOK ST COOGEE. (D/162/2004/GE)**

245 **RESOLUTION: (Notley-Smith/Sullivan) that:**

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 162/04 for to create new sitting rooms for both approved units 1 and 2 with access to the top floor roof deck areas and new glass enclosure to stairs. at 164 Brook St Coogee for the following reasons:-*
- 1. The proposed development does not satisfy the stated and underlying objectives of Clause 32 Floor Space Ratio of Randwick Local Environmental Plan 1998 and the development has unacceptable adverse impacts on the amenity of neighbouring properties and the streetscape, in terms of view loss, privacy and visual bulk and scale.*
  - 2. The SEPP 1 objection to the Floor Space Ratio development standard is not well founded in that it does not demonstrate that compliance with the development*

*standard is unnecessary or unreasonable.*

3. *The proposed development is inconsistent with the objectives and performance requirements of the Part 3.4 Density of Multi Unit Housing Development Control Plan where the resultant bulk and scale of the development is inconsistent with the desired future character of the area.*
4. *The proposed development will result in unacceptable levels of view loss for neighbouring properties and is inconsistent with the objectives and performance requirements of the Part 4.3 View Sharing of Multi Uni Housing Development Control Plan.*
5. *The proposed development will result in unacceptable privacy impacts to adjoining properties and is inconsistent with the objectives and performance requirements of the Part 4.2 Privacy of Multi Unit Housing Development Control Plan.*
6. *The proposed development will result in unacceptable bulk and scale impacts to adjoining properties and is inconsistent with the objectives and performance requirements of the Part 3.3 P3 Building Setbacks of Multi Unit Housing Development Control Plan.*

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

**10.7 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 77/2004 - 68-70 PERRY STREET, MATRAVILLE. (D/288/2004 xr 98/S/1093 xr F2004/08093)**

246 **RESOLUTION: (Belleli/Daley) that:**

- (a) *Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/288/2004 for change of use to a taxi base, in association with the approved vehicle repair workshop at 68-70 Perry Street Matraville for the following reasons:-*
  1. *the application does not comply with the provisions of Clause 36 of Randwick Local Environmental Plan 1998;*
  2. *the site does not provide sufficient on site car parking to accommodate the needs of the taxi base, including drivers and staff, and the motor vehicle repair shop;*
  3. *the taxi base will adversely impact on the amenity of the surrounding area with particular reference to noise, loss of parking and congestion of traffic;*
  4. *having regard to the site's location, configuration and the building's design and layout, the site is not suitable for a taxi base; and*
  5. *the taxi base is not in the public interest.*
- (b) *a report be submitted to the Health, Building and Planning Committee on the possibility of Clause 36 of the LEP being clarified.*

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

(Councillors Nash and Woodsmith requested that their names be recorded as opposed to the resolution.)

**10.8 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 78/2004 - STATE ENVIRONMENTAL PLANING POLICY NO 71 - COASTAL PROTECTION. (98/S/4421)**

247 **RESOLUTION:** *(Notley-Smith/Daley)* that Council endorse the letter to the Department of Infrastructure, Planning and Natural Resources (DIPNR) dated 22 September 2004 (Attachment 2) and it be forwarded to DIPNR.

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

**10.9 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 79/2004 - 2 BUMBORAH POINT ROAD, PORT BOTANY. (RZ/0001/2004)**

248 **RESOLUTION:** *(Notley-Smith/Daley)* that:

A. Council adopt the Masterplan for a change of use to an import cargo distribution centre at 2 Bumborah Point Road, Port Botany, subject to the following requirements:

1. Containers are to be stacked no higher than 5 containers high. Containers are to be stacked in the designated areas of the approved plan only and are not permitted to be stacked in any other areas on the site without the prior written consent of Council.
2. Due to the proximity of the site access to the Botany Road/Bumborah Point Road intersection, and the potential for vehicles turning right into the site queuing into the intersection and causing delays in the intersection, the access to the site from Bumborah Point Road is to be restricted to left in/left out. This is to be enforced by the extension of the existing central median in Bumborah Point Road to approximately 10 metres south of the driveway, prior to the occupation of the proposed development.

*Detailed design plans of the proposed median are to be submitted to the RTA for approval prior to the commencement of any works. The applicant is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond will be required prior to the release of the approved design plans by the RTA.*

3. To minimise the impact on through traffic, the applicant is to prepare a Traffic Management Plan for submission to Council and the RTA prior to the occupation of the development. The Plan shall address traffic operation for the proposed stages 1, 2 and 3 and must include but not be limited to options to ensure queuing in approach to the development is wholly contained within the site, haulage routes and the intersection control at the intersections of Friendship Drive and Military Road with Bumborah Point Road. It is noted that the traffic signals at Bumborah Point Road and Botany Road already have the facility for a repeat of the right turn phase which introduces when the signals cycle reaches a predetermined length. This repeat phase does not introduce frequently.

B. The applicant be advised that the following matters must be addressed in future development applications:



1. *The proposed Gantry is to be located at a sufficient height to the satisfaction of the Rail Infrastructure Corporation to ensure adequate clearance over the adjacent railway line/envelope serving the port.*
2. *The proposal is to comply with the requirements set out in the Sydney Ports Corporation letter dated 22nd July 2004 to Mr David Hoy, Urbis JHD.*
3. *The proposal is to comply with the requirements set out in the Waterways letter dated 22nd July 2004 to Mr David Hoy, Urbis JHD.*
4. *The proposal and any respective future development applications are to comply with the requirements of, where relevant, the Department of Infrastructure Planning and Natural Resources, the Rail Infrastructure Corporation, NSW Fisheries, the Department of Environment and Conservation, the Roads and Traffic Authority and Botany City Council.*
5. *The developer is required to obtain a Section 73 Compliance Certificate from Sydney Water. Issuing of the Certificate will confirm that the proponent has met Sydney Water's detailed requirements, which include:*

*Correctly sized water and wastewater mains; extensions or amplifications to existing water and wastewater systems (if necessary),*

*Building over/adjacent to Sydney Water's existing water, sewerage or stormwater infrastructure;*

*Payment of Sydney Water charges; and*

*The completion of any other requirements*
6. *Adjustments to existing Sydney Water systems resulting from developer activity will be charged to the particular development. Developers are advised to engage the services of a Water Servicing Coordinator (WSC) to obtain a Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au).*
7. *Sydney Water owns various water and sewer assets within the vicinity of the proposed development lot. These are shown on the attached plan. Any development on site, which may impact on these assets, will be required to comply with Sydney Water's Guidelines on Precautions to be Taken when Building over or adjacent to Sydney Water's Assets.*
8. *A trade Waste Licence is required for the disposal of wastewater from any future industrial or commercial development. A trade waste permit to discharge must be obtained before discharge into the sewer can commence. This application can be made to Sydney Water at the Section 73 Certificate application stage. The applicant can contact Customer Services Rockdale (Sales and Service South Unit) on 9551 4620 for assistance with applying for a trade waste permit.*
9. *Where possible, future development applications for the site shall ensure the retention*

*and long-term health of all trees (covered by Council's Tree Preservation Order) located within the development site. Removal of mature trees found to be in good health and to be a good example of the species will not be approved until all possible measures for their retention have been explored and found to be unsuitable.*

10. *A landscape/tree report (prepared by a qualified Arborist/Tree Surgeon (Member of National Arborist's Association) shall be submitted in conjunction with any future Development applications for the site. The report shall give an appraisal of all trees on the site that are covered by Council's Tree Preservation Order, and the likely affect the proposal will have on the trees. The report shall also detail methods to be undertaken to ensure the preservation and longevity of the trees.*
11. *A landscape plan shall also be submitted (prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects) in conjunction with any future Development applications for the site. The plan shall clearly show the position, canopy spread (location of dropline), 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.*
12. *Prior to development approval being issued for any works involving:*
  - \*Ground floor alterations and/or additions; and/or*
  - \*New carparking and/or ground level storage areas;*

*The applicant shall submit a flood study (including plans and drainage calculations compiled by a suitably experienced and qualified Civil Engineer) which determines the 1 in 100 year flood level for the site.*

*The flood study should be undertaken using "DRAINS" Urban Drainage Simulation Model (and HECRAS for determining flow depths). Alternative flood modelling programs may be used, however, the applicant will be required to meet the full cost for an independent hydraulic consultant to review the model as Council does not have the computer software to run alternative flood modelling programs.*

*The following information must be submitted to Council with the flood study:*

- a. *All "DRAINS" and "HECRAS" data files on 3 1/2" MS-DOS formatted diskettes together with a suitable index to relate data files to the various run parameters.*
- b. *Plans showing:*
  - \* All catchments and sub-catchments areas contributing to flows in the vicinity of the development site;*
  - \* "DRAINS" or "ILSAX" sub-catchments and areas and nomenclature used to define the various piped reaches;*
  - \* Overland flow paths;*
  - \* Location and sections of all drainage lines showing pipe sizes and grades;*
  - \* Pit/gully surface levels as well as invert levels of inlet and outlet pipes;*
  - \* Proposed finished surface levels and 0.2m contours over the development site (it is noted that all levels shall be relative to the Australian Height Datum); and*
  - \* Location of all "HECRAS" cross sections.*

13. *To minimize the possibility of localised floodwater entering any new or redeveloped ground floor areas, all new (or redeveloped) floor areas shall be a minimum of 300 mm above the calculated 1 in 100 year flood level.*
14. *All new storage areas shall be located a minimum of 300 mm above the 1 in 100 year flood level unless it can be demonstrated that the containers/goods being stored in the area will not be affected by flooding/stormwater inundation.*
15. *All new carparking areas shall be a minimum of 150mm above the 1 in 100 year flood level.*
16. *All footings shall be suitably designed to ensure that they will not be adversely affected by stormwater inundation.*
17. *Generally, the internal stormwater system shall be sized for flows up to the 1 in 20 year storm event. However, should it be demonstrated that the existing system is capable of safely conveying all stormwater flows (up to the 1 in 20 year storm event) to the canal/s, consideration may be given to utilising the existing drainage system.*
18. *Details of the proposed internal drainage system shall be submitted in conjunction with future development applications for the site.*
19. *Engineering calculations and plans in relation to site drainage will be required to be submitted to and approved by the Certifying Authority and NSW Waterways Authority prior to construction certificates being issued for proposed developments.*
20. *The applicant shall provide Stormwater Pollution Control device/s (SWPC) over the outlet pipelines that discharge from the site/into the canal drainage system. The SWPCs shall be capable of collection and containment of liquids, sediments and trash and it shall treat all runoff up to the 3 month ARI magnitude for liquid, litter and sediments.*
21. *Adequate queuing area must be provided within the site for vehicles waiting to enter/exit the site. There must be no queuing of vehicles on Bumborah Point Road. It is noted that this requirement may necessitate the gate house being moved back further from the site frontage.*
22. *Adequate manoeuvring room is to be provided within the site to ensure that all vehicles (including service and delivery vehicles) accessing the site are able to turn around within the site and leave in a forward direction. All loading and unloading operations must occur entirely within the site.*
23. *Adequate onsite carparking and service vehicle facilities shall be provided for any proposed development in accordance with Council's DCP Parking.*
24. *The design of the access, internal circulation and parking areas for the development shall be in accordance with the provisions of Council's DCP for parking, AS 2890.1 and AS 2890.2.*
25. *All carparking areas shall be located clear of heavy vehicle manoeuvring areas.*

26. *Provision shall be made for safe movement of pedestrians through the site.*
27. *A traffic and parking study indicating how traffic and parking requirements have been determined and met on the site shall be submitted in conjunction with any development applications for the site.*
28. *All costs of traffic management measures associated with the development, including those road works and implementation of traffic facilities as required by the RTA's Sydney Regional Development Advisory Committee, shall be borne by the developer.*
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 Telstra, Energy Australia, Sydney Water or Natural Gas Company 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 development of the site.*
32. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity to see if an electricity substation will be required for the development.*
33. *A waste management plan shall be prepared in conjunction with any development applications submitted for the site. The plan shall include waste generation rates for the proposed development together with details of how it is proposed to collect, store and dispose of wastes (both recyclable and non-recyclable) from the site.*
34. *All garbage storage areas shall 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.*
35. *A Preliminary Site Investigation should be undertaken and submitted prior to a determination of the development application. A Preliminary Site Contamination Investigation must be undertaken and details are to be submitted to and accepted by Council. This Preliminary Investigation shall be carried out in accordance with the requirements of the NSW EPA Guidelines and is to be undertaken by a suitably qualified consultant. The Preliminary Site Contamination Investigation is to identify any past or present potentially contaminating activities and must be provided to Council, in accordance with Council's Land Contaminated Land Policy.*
36. *Should the Preliminary Site Contamination Investigation be unable to justifiably conclude that the site is suitable for the proposed use; a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant.*

37. *Further information is to be provided in the submission of the development application detailing methods to be employed to ensure that noise generated from the use of the reach stacker during the evening period does not affect the amenity of the surrounding residential areas. The acoustic report, titled Acoustic Assessment proposed LCL Distribution Container Centre Bumborah Point Road, Port Botany (reference: 34.4383.R1:NSC) prepared by The Acoustic Group Pty Ltd is to be submitted with the development application for this site.*
38. *The issue of potential acid sulphate soil (PASS) needs to be investigated further. A Preliminary assessment is to be undertaken to determine if potential acid sulphate soils (PASS) exist on site. If PASS are identified on site then an Acid Sulphate Soil Management Plan is to be provided, as set out in the New South Wales Acid Sulphate Soil Manual.*
39. *Information detailing methods employed to ensure that any food products on site are handled and stored in accordance with the applicable requirements of Australian Quarantine Inspection Services and the New South Wales Food Authority is to be supplied.*
40. *Details of location of container wash down (as required by Australian Quarantine Inspection Services) are to be provided with the development application. If container wash down is to occur on this site then details of preventative measures employed to prevent the potential for stormwater/water pollution is to be supplied, to satisfy the provisions of the Protection of the Environment Operations Act 1997.*

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

## **11. PETITIONS.**

### **11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF THE RESIDENTS IN STEWART STREET OPPOSING COUNCIL'S PROPOSAL FOR ANGLE PARKING IN THE STREET. (98/S/1173 xr R/0693/02-01)**

- 249 **RESOLUTION:** *(Notley-Smith/Woodsmith) that the petition be referred to the Director Asset & Infrastructure Services for review in conjunction with the Parking Study.*

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

## **12. MOTIONS PURSUANT TO NOTICE.**

### **12.1 BY COUNCILLOR BASTIC – COOGEE TENNIS CLUB. (F2004/07367 xr 98/S/0178)**

- 250 **RESOLUTION:** *(Bastic/Tracey) that a report be prepared on the Coogee Tennis Club lease for consideration by Council.*

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

## **13. URGENT BUSINESS.**

**13.1 URGENT BUSINESS - CR PROCOPIADIS – 2004 SPRING GREEK GLENDI.  
(F2004/07734 xr 98/S/1255)**

251 **RESOLUTION:** (*Procopiadis/Bastic*) that permission is hereby granted to Cr Procopiadis to bring forward to the meeting and transact business of great urgency, concerning the 2004 Spring Greek Glendi.

His Worship the Mayor, Cr M. Matson, ruled that the business proposed to be brought forward, concerning the 2004 Spring Greek Glendi, was of great urgency.

252 **RESOLUTION:** (**FURTHER**) (*Procopiadis/Bastic*) that it be noted the Committee of the Spring Time Greek Glendi has advised Council of the cancellation of the event on either 9<sup>th</sup> October or 16<sup>th</sup> October, 2004 and look forward to Council's support for a further Glendi in October 2005.

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

**FURTHER MOTION:** (*Procopiadis/Bastic*) SEE RESOLUTION (**FURTHER**)

**14. CONFIDENTIAL REPORTS.**

Nil.

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

Nil.

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

Nil.

**17. NOTICE OF RESCISSION MOTIONS.**

A notice of rescission motion on Item 8.5, Director Asset & Infrastructure Services' Report 69/2004 - Proposed Relocation of a Bus Stop in Donovan Avenue, Maroubra was submitted to the Acting General Manager prior to the conclusion of the Meeting by Councillors Bastic, Seng & Sullivan and will be considered at the Extraordinary Council meeting on Tuesday 12<sup>th</sup> October, 2004.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 10.28 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 19<sup>TH</sup> OCTOBER, 2004.

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CHAIRPERSON