

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 19TH OCTOBER, 2004 AT 6:25 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 (until 8.15 p.m.)
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

OFFICERS PRESENT:

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

1. COUNCIL PRAYER

The Council Prayer was read by Cr Notley-Smith.

2. APOLOGIES.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 12TH OCTOBER, 2004.**

259 **RESOLUTION:** *(Kenny/Notley-Smith) that the Minutes of the Ordinary Council Meeting held on Tuesday, 12th October, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL
MEETING HELD ON TUESDAY, 28TH SEPTEMBER, 2004.**

- 260 **RESOLUTION:** (*Belleli/Notley-Smith*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 28th September, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 21ST SEPTEMBER, 2004.

- 261 **RESOLUTION:** (*Nash/Notley-Smith*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 21st September, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

- (a) Cr Sullivan declared a Non-Pecuniary interest in Item 6.2, Mayoral Minute 76/2004 – Des Renford Aquatic Centre Charity Day as he is a patron of Des Renford Chair of Heart Research at the Victor Chang Cardiac Research Institute.
- (b) His Worship the Mayor, Cr M. Matson declared a Non-Pecuniary interest in Item 8.4, Acting Director Asset & Infrastructure Services' Report 78/2004 - Proposed Lease of Portion of Melody Street, Coogee, to Coogee Public School as his daughter attends Coogee Public School.
- (c) Cr Woodsmith declared a Pecuniary interest in Item 9.1, Director Governance, Management & Information Services' Report 32/2004 - Legal Services Tender No. T020/04 as her son is a partner in a legal firm which submitted a tender.
- (d) Cr Andrews declared a Pecuniary interest in Item 9.1, Director Governance, Management & Information Services' Report 32/2004 - Legal Services Tender No. T020/04 as his aunty is a partner in a legal firm which tendered.
- (e) Cr Daley declared a Pecuniary interest in Item 9.1, Director Governance, Management & Information Services' Report 32/2004 - Legal Services Tender No. T020/04 as his spouse is a employee of one of the tenderers.

RESOLVED: (*Notley-Smith/Nash*) that the meeting be adjourned at 6.30 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Jason Young, 5 Tower Street, Coogee on Item 10.1, Director Planning & Community Development's Report 83/2004 - 7 Tower Street, Coogee.
2. Mr Murray Wood, 50 Bronte Road, Bondi Junction on Item 10.1, Director Planning & Community Development's Report 83/2004 - 7 Tower Street, Coogee.
3. Mr Chris Noonan, 82 Beach Street, Coogee on Item 10.2, Director Planning & Community Development's Report 84/2004 - 88 Beach Street, Coogee.
4. Mr Spiro Stavis, 110-114 Kippax Street, Surry Hills on Item 10.2, Director Planning & Community Development's Report 84/2004 - 88 Beach Street, Coogee.
5. Mr Damien Barker, 101 Sussex Street, Sydney on Item 10.3, Director Planning & Community Development's Report 85/2004 - 141-151 Alison Road, Randwick.

The meeting was further adjourned at 7.06 p.m. and was resumed at 7.24 p.m.

(The Mayor vacated the Chair and the Deputy Mayor assumed the Chair.)

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 75/2004 - CLARIFICATION OF ABORIGINAL STREET NAMES. (F2004/07141)

(The Mayor again assumed the Chair.)

262 **RESOLUTION:** *(His Worship the Mayor, M. Matson)* that Council will amend the list of indigenous street names for the new streets on the Bundock Street site to read as follows:

- 1) "Galu" (brolga)
- 2) "Gumara" (possum)
- 3) "Munda" (black snake)
- 4) "Nagun" (brown snake)
- 5) "Djirama" (Tea Tree)
- 6) "Marida" (fish hawk)
- 7) "Hennegar" (shark)
- 8) "Banburaang" (bearded dragon or jackie lizard)
- 9) "Dooligah" (mythical man)
- 10) "Namuraag" (wattle tree)
- 11) "Burragulung" (wallaby)
- 12) "Budjan" (bird)
- 13) "Joongah" (octopus)
- 14) "Muggadaang" (blue tongue lizard)

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

6.2 MAYORAL MINUTE 76/2004 – DES RENFORD AQUATIC CENTRE CHARITY DAY. (98/S/2620)

(Cr Sullivan had previously declared non-pecuniary interest in this item – see Agenda Item 4 of these minutes.)

263 **RESOLUTION:** *(His Worship the Mayor, M. Matson)* that Council vote \$5320.40 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 31st October 2004 for the purpose of raising money for the Victor Chang Cardiac Foundation and that funds be identified in the next Quarterly Review.

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

6.3 MAYORAL MINUTE 77/2004 - SAINT GEORGE COPTIC CHURCH FETE - REQUEST FOR WAIVING OF FEES. (P/012536)

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

- a) Council vote \$2,096.00 to cover the fees associated with the 2004 Saint George Coptic Orthodox Church Community Fete and funds be allocated from the Contingency Fund 2004/05;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and

- c) *that the Mayor's representative shall be given the opportunity to address the event on behalf of Council.*

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

6.4 MAYORAL MINUTE 78/2004 - WAIVING OF FEES - SOUTH MAROUBRA VILLAGE GREEN ART SHOW AND CAROLS BY CANDELIGHT - 2004. (98/S/1720)

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

- a) *Council vote \$85.00 to cover the fees associated with the Art Exhibition and funds be charged to the Contingency Fund 2004/05;*
- b) *Council vote \$1,906.00 to cover the fees associated with the Carols by Candlelight event and funds be charged to the Contingency Fund;*
- c) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- d) *the Mayor's representative shall be given the opportunity to address the event on behalf of Council.*

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

6.5 MAYORAL MINUTE 79/2004 - WAIVING OF FEES - CAROLS BY THE SEA 2004 - ST PAUL'S ANGLICAN CHURCH - SOUTH COOGEE. (98/S/1219)

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

- a) *Council vote \$1,871.80 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2004/05;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor's representative shall be given the opportunity to address the event on behalf of Council.*

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

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 31/2004 - DISCLOSURE OF INTEREST RETURNS. (98/S/0077)

267 **RESOLUTION: (Andrews/Belleli) that:**

- (a) *the contents of the General Manager's Report 31/2004 dated 7th October, 2004 be received and noted; and*
- (b) *it be noted that the Disclosure of Interests Register has been tabled at the Ordinary*

MOTION: (Andrews/Belleli) SEE RESOLUTION.

7.2 GENERAL MANAGER'S REPORT 32/2004 - UPDATE – INTERIM MANAGEMENT - SNAPE PARK TENNIS CENTRE. (F2004/ 06336)

268 **RESOLUTION: (Notley-Smith/Sullivan)** that the contents of the General Manager's Report No. 32/2004 be noted.

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

7.3 GENERAL MANAGER'S REPORT 33/2004 - HEFFRON PARK - PLAN OF MANAGEMENT. (F2004/06879)

269 **RESOLUTION: (Sullivan/Belleli)** that:

- a) \$100,000 be allocated from the Section 94 contributions;
- b) a draft Plan of Management for Heffron Park is prepared and brought back to Council within 9 months;
- c) regular updates are provided to the Councillors on the progress of this project; and
- d) the Ward Councillors form part of the User/Working Committee to develop the Plan of Management for the site.

MOTION: (Notley-Smith/Daley) that:

- a) \$100,000 be allocated from the Section 94 contributions;
- b) a draft Plan of Management for Heffron Park be prepared and brought back to Council within 9 months; and
- c) regular updates be provided to the Councillors on the progress of this project.

AMENDMENT: (Sullivan/Belleli) SEE RESOLUTION.

8. ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

8.1 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 75/2004 - COUNCIL OWNED FICCUS HILLII GROWING OUTSIDE 2 GREVILLE STREET, CLOVELLY. (R/0346/03)

270 **RESOLUTION: (Hughes/Woodsmith)** that this tree be retained with pruning of its air roots being undertaken, until such time as there is an adverse financial impact for Council in its retention.

MOTION: (Andrews/Daley) that the Council-owned Ficus microcarpa var. 'Hillii' (Hill's Weeping fig) growing on the nature strip outside 2 Greville Street, Clovelly, be removed and replaced with a more appropriate tree species – as per Council's Street Tree Masterplan. **LOST.**

Cr Sullivan indicated he wished to raise a point of order and was recognised by the Mayor. Subsequently, Cr Sullivan was expelled after being called upon by the Mayor three times to specifically outline the actual point of order Cr Sullivan had been calling. The Mayor called on Cr Sullivan three times to unreservedly apologise. As this apology was not forthcoming,

the Mayor expelled Cr Sullivan from the meeting in accordance with Clause 43 (4) of that Code.

MOTION (FURTHER) (Hughes/Woodsmith) SEE RESOLUTION.

**8.2 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
76/2004 - 2004-2005 LOCAL AMENITY PROJECT FUNDING. (F2004/06616)**

271 **RESOLUTION: (Hughes/Woodsmith) that:**

- a) Council accept the proposed RTA grants for 2004-2005;
- b) Council re-allocate the \$269,500 allocated for projects which did not receive Roads & Traffic Authority funding in 2004-2005, to Council's Financial Reserve, pending the General Manager's organisational review and a further report being submitted to Council;
- c) Council re-allocate the \$50,000 allocated for implementation of the Randwick Bicycle Plan to the Council's Financial Reserve, pending the General Manager's organisational review and a further report being submitted to Council;
- d) it be noted that the 'conclusion' of the report should read ".....should be reallocated to the Council's Financial Reserve, pending the General Manager's organisational review"; and
- e) a report be submitted providing an update on discussions with the R.T.A. to update Council on the Bicycle Plan funding to allow the Council to be aware of how quickly the funding can be put to the intended purpose, if the funding is forthcoming.

MOTION: (Notley-Smith/Belleli) that:

- a) Council accept the proposed RTA grants for 2004-2005;
- b) Council re-allocate the \$269,500 allocated for projects which did not receive Roads & Traffic Authority funding in 2004-2005, to Council's Financial Reserve, pending the General Manager's organisational review and a further report being submitted to Council; and
- c) Council re-allocate the \$50,000 allocated for implementation of the Randwick Bicycle Plan to the Council's Financial Reserve, pending the General Manager's organisational review and a further report being submitted to Council.

AMENDMENT: (Hughes/Woodsmith) SEE RESOLUTION.

**8.3 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
77/2004 - PATHWAY LIGHTING AT MALABAR WETLANDS, MAROUBRA.
(F2004/07519)**

272 **RESOLUTION: (Andrews/Belleli) that community consultation take place in respect to the proposed installation of the lights along the northern pathway at Malabar wetlands.**

MOTION: (Andrews/Belleli) SEE RESOLUTION.

8.4 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 78/2004 - PROPOSED LEASE OF PORTION OF MELODY STREET, COOGEE, TO COOGEE PUBLIC SCHOOL. (F2004/07133 xr R/0516/00)

(His Worship the Mayor, Cr M. Matson, had previously declared a non-pecuniary interest in this item – See Agenda Item 4 of these minutes.)

273 **RESOLUTION: (Tracey/Daley) that:**

- (a) *the Coogee Public School P & C Association be advised that Council agrees in principle to the lease of the section of Melody Street adjacent to the school, subject to continuing public access outside school hours and public liability insurance and other relevant considerations; and*
- (b) *the General Manager be delegated authority to finalise this matter.*

MOTION: (Tracey/Daley) SEE RESOLUTION.

DISSENT MOTION: (Daley/Tracey) on the Ruling of His Worship the Mayor, Cr M. Matson to expel Cr Sullivan from the meeting (as detailed in these Minutes under Agenda Item No. 8.1). **LOST.**

(Cr Sullivan left the meeting at this stage, the time being 8.15 p.m.)

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

9.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 32/2004 - LEGAL SERVICES TENDER NO. T020/04. (98/S/5343 xr F2004/08012)

(Crs Andrews, Daley and Woodsmith had previously declared pecuniary interests in this item (see Agenda Item 4 of these Minutes) and they left the Chamber at this stage of the Meeting.)

274 **RESOLUTION: (Bastic/White) that:**

- a) *Council's "Legal Matters – Solicitors" Policy No. 1.01.03 be rescinded;*
- b) *No tender be accepted;*
- c) *Authority is granted for the General Manager to enter into negotiations with any of the tenderers, with a view to securing the provision of legal services on a temporary basis;*
- d) *After a review of the evaluation criteria and weightings by the General Manager, new tenders be called for the provision of legal services to Council; and*
- e) *All tenderers be notified of the tender result.*

MOTION: (Bastic/White) SEE RESOLUTION.

10. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

**10.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
83/2004 - 7 TOWER STREET, COOGEE. (DA 188/2004)**

(Crs Andrews, Daley and Woodsmith returned to the Chamber at this stage of the meeting.)

275 **RESOLUTION: (Hughes/Woodsmith) that:**

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 04/00188 to demolish rear shed and attic, reconfigure ground floor and new first floor addition containing bedroom, study and ensuite at 7 Tower Street, Coogee subject to the following conditions:-*

- 1. The development must be implemented substantially in accordance with the plans numbered A01b – A04b, dated March 2004 and received by Council on 15 September 2004 and plans numbered A05b and A07b, dated July 2004 and received by Council on 15 September 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

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

- 3 At no time shall any privacy screening planters or devices be placed or erected on or above the first floor balcony. The glazing to the first floor balustrade shall be clear/transparent glass.*
- 4 The fence on the street alignment is to be a maximum height of 1.8m at any point, to maintain reasonable levels of amenity to the adjoining development and streetscape.*
- 5 All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
- 6 The proposed klip-lok metal awning to the upper level front balcony and roof overhang at the front elevation shall be deleted.*
- 7 External clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*
- 8 The box gutter is to be regularly cleaned and maintained to ensure no water*

spillage to the adjacent properties.

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

- 9 *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.*
- 10 *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 included in the **construction certificate** application.*

- 11 *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.*
- 12 *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
- 13 *All new landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

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

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:

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

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

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

- 15 *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.*
- 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 requirements of the Home Building Act 1989.*

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

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

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

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

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

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

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

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

- 18 *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
- 19 *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
- 20 *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days*

notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

- 21 *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
- 22 *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

- 23 *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
 - (a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - (b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

- 24 *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
- 25 *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

- 26 *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
- 27 *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.

- 28 *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.*

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

- 29 *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**.*

ADVISORY MATTERS:

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

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

- | | | | |
|----|------------|---|-----------------------------------|
| a) | Part 3.1 | - | Site preparation |
| b) | Part 3.2 | - | Footings and slabs |
| c) | Part 3.3 | - | Masonry construction |
| d) | Part 3.4 | - | Framing (floors, walls and roofs) |
| e) | Part 3.5 | - | Roof and wall cladding |
| f) | Part 3.6 | - | Glazing |
| g) | Part 3.7 | - | Fire safety |
| h) | Part 3.7.1 | - | Fire separation |
| i) | Part 3.7.2 | - | Smoke alarms |
| j) | Part 3.7.3 | - | Heating appliances |

- k) Part 3.8 - Health and amenity
- l) Part 3.8.2 - Room heights
- m) Part 3.8.3 - Facilities
- n) Part 3.8.4 - Natural and artificial lighting
- o) Part 3.8.5 - Ventilation requirements
- p) Part 3.8.6 - Sound insulation
- q) Part 3.9 - Safe movement and access
- r) Part 3.9.2 - Balustrades, design, location and height
- s) Part 3.11 - Structural design manuals

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

- A2 *The applicant is advised that the development consent plans do not indicate compliance with the deemed-to-satisfy provisions of the Building Code of Australia and compliance may necessitate variations to the development consent plans. In this regard, any variations which alter the configuration, size, for, layout or design of the building, may necessitate an amendment to the development consent (or a new development application), and Council's Building Surveyor or an Accredited Certifier should be consulted prior to the lodgement of an application for a **Construction Certificate**.*

MOTION: (Bastic/Andrews) that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 04/00188 to demolish rear shed and attic, reconfigure ground floor and new first floor addition containing bedroom, study and ensuite at 7 Tower Street, Coogee, subject to condition number six (6) being deleted.

AMENDMENT: (Hughes/Woodsmith) SEE RESOLUTION.

**10.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
84/2004 - 88 BEACH STREET, COOGEE. (912/2003)**

- 276 **RESOLUTION: (Notley-Smith/Hughes)** that this application be deferred to the meeting of the Health, Building and Planning Committee meeting on 9th November, 2004 to allow an assessment of the draft SEPP No. 1 in respect to the matter and legal advice being obtained and a report be circulated to Councillors on this issue prior to that meeting.

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

**10.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
85/2004 - 141-151 ALISON ROAD, RANDWICK. (DA 243/2004)**

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

- A. *The Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clauses 31, 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to landscaped area, floor space ratio and building heights) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding*

locality and that the Department of Planning, Infrastructure and Natural Resources be advised accordingly.

- B. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0243/2004 for the adaptive re-use/conversion of heritage items into three commercial units, demolition of all other structures and construction of a part-3 and part-4 storey mixed retail/commercial and residential development, containing 4 shops, 1 commercial suite, 19 apartments and carparking for 33 vehicles at 141-151 Alison Road, Randwick subject to the following conditions:-

Deferred Commencement Conditions

The consent shall not operate until the following amendments and details have 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 development are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) linked to coloured elevations are to be prepared and submitted for approval.
2. Amended roof plan commensurate with the amended details submitted to Council on 27 September 2004 shall be prepared and submitted for approval.
3. Amended north elevation commensurate with the amended details submitted to Council on 27 September 2004 shall be prepared and submitted to Council for approval.
4. Details of a public access to the loading dock in relation to the security of the residential carpark. Public access to the loading dock shall be maintained at all times and in this regard any security gates or roller door provided to secure residential carparking spaces shall be located so as to provide unimpeded public access to the loading dock.
5. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) of the two heritage terraces are to be submitted to and approved by Council's Director of Planning and Community Development.
6. Details of the proposed paint scheme of the two heritage terraces are to be submitted to and approved by Council's Director of Planning and Community Development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA 03 to DA05 Issue B, DA06 to DA09 Issue C, DA11 Issue C, DA12 to DA13 Issue B, and DA14to DA15 Issue C stamped received by Council on 27 September 2004, and DA16 Issue B stamped received by Council on 6 October 2004, the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:*
2. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning and Environment pursuant to the deferred commencement condition.*
3. *An archival recording of the property shall be prepared to the satisfaction of the Director of Planning and submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*
4. *The conservation policies set out in the Conservation Plan carried out by Jackson Teece Chesterman and Willis Pty Ltd, and in particular the Schedule of Conservation Works to 143 and 145 Alison Road, are to be implemented in conjunction with the proposed development.*
5. *An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of Conservation Works to ensure the use of technically sound and appropriate construction methods.*
6. *A Maintenance Schedule for nos.143 and 145 Alison Road is to be prepared, as recommended by the Conservation Plan, in accordance with the information sheet on Preparing a Maintenance Plan contained in The Maintenance of Heritage Assets: A Practical Guide, prepared by the NSW Heritage Office. The Maintenance Plan is to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Maintenance and repair is to be carried out on an ongoing basis, to ensure timely maintenance and repair of the heritage item.*

The following conditions are applied to maintain reasonable levels of environmental amenity:

7. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*
8. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*

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

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director Planning & Community Development, together with the required fee, for the allocation of an appropriate street number/s to the development.

10. *A separate Development Application is required to be submitted to and approved by Council with regard to each separate proposed usage of the building prior to occupancy.*
11. *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.*
12. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
13. *A rainwater tank, of sufficient size, shall be provided for each and every dwelling in the subject development in accordance with Council's Rainwater Tank Policy. The noise level from any pump used in conjunction with the rainwater tank provision 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. Details of the rainwater tank provision are to be submitted to the Director – Planning and Community Development for approval prior to the issue of the Construction Certificate.*

Alternatively, where it can be demonstrated, to the satisfaction of Council, that the installation of rainwater tanks is prohibitive due to site constraints, or where the rainwater supply will not meet the demand requirements of each and every dwelling, then an alternative off-set provision promoting sustainability and innovation within the development may be put forward for consideration. This sustainable development provision must be provided in addition to Council's standard sustainability requirements for developments and may include measures such as, greywater utilisation, renewable (solar) energy utilisation, larger communal and/or private landscaped areas, or other innovative features of the development promoting ecologically sustainable development.

14. *The enclosure of balconies is prohibited by this consent.*
15. *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.*
16. *The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan - Exempt and Complying Development.*

17. *The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.*
18. *All loading and unloading associated with the use or operation of the premises shall be carried out within the designated loading dock*
19. *Development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
20. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

The following conditions are applied to satisfy SEPP 10 requirements for low-cost rental accommodation.

21. *Two (2) x studio units and two (2) x one bedroom units in the proposed strata plan shall be retained in rental tenure on the open market for a period of 6 years from the registration of the strata plan.*
22. *Rent levels for the units referred to in condition No. 21 shall be not more than \$159/week for the studio units and not more than \$265/week for the one-bedroom units. The rents shall be updated at the beginning of each financial year utilising the guidelines issued by the NSW Office of State Revenue for land used and occupied primarily for a boarding house. The guidelines for the 2004 tax year where less than full board and lodging was provided currently specify rates for single accommodation (currently the \$159/week for the studio units) and shared accommodation (currently \$265/week for the one bedroom units). This rent shall cover any additional facilities or benefits (such as car parking) provided to the lessee of those units. No additional rent, fee or charge may be levied for any additional facilities or benefits provided to the lessee under the rental agreement.*
23. *A positive covenant shall be created under Section 88E of the Conveyancing Act, to give effect to Conditions Nos. 21 and 22 above. Such covenant shall not be revoked or modified without the prior approval of Council. The covenant shall be submitted for Council's approval with the strata plan and shall be registered simultaneously with the strata plan.*
24. *Statutory declarations shall be submitted to Council annually from the date of registration of the strata plan by the respective owners of the units referred to in condition No. 21 for a period of six years documenting rent levels charged including rent receipts.*

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

25. *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.

26. *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.*
27. *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.*
28. *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.*
29. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
30. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

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

31. *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:

32. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures located upon:*

- *All of the premises adjoining the subject site*

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

33. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.*

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

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

34. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
35. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.***
36. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

37. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
38. *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.*
39. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

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

40. *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.

41. *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.*
42. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*
- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
43. *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.*
44. *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.*
45. *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.*
46. *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.*
47. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every*

20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

48. *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.*
49. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
50. *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.*
51. *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".*
52. *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.

53. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

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

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

54. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

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

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

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

56. *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

57. *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.*
58. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council prior to commencement of works.*

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

59. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*
60. *The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:*
61. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

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

62. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*

- *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
63. *Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
 64. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
 65. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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

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

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

67. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
68. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

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

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

70. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
71. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.***

The following conditions have been applied to ensure Roads & Traffic Authority requirements are satisfied:

72. *No work should commence at the site until a section 138 Consent has been issued by the Authority*
73. *All works/regulatory signposting associated with the development are to be at no cost to the Authority.*

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

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

- a) \$5000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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

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

Alison Road Frontage

- *Reconstruct kerb and gutter for the full site frontage.*
- *Carry out a full depth, minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.*

- *Reconstruct the footpath to the requirements of the Randwick Commercial Centre paving design guidelines.*

Elizabeth Street Frontage

- *Reconstruct kerb and gutter for the full site frontage.*
- *Carry out a full depth, minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
- *Reconstruct the footpath to the requirements of the Randwick Commercial Centre paving design guidelines.*

Elizabeth Lane Frontage

- *Construct a full width concrete commercial vehicular crossing and modified layback at kerb opposite the vehicular entrance to the site.*
 - *Remove any redundant concrete vehicular crossings and reinstate the areas to Council's specification.*
 - *Construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, (Note: the kerb would be positioned against the site boundary with no footpath).*
 - *Carry out a full depth, minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
76. *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.*
77. *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.*
78. *The applicant must either provide a 3 m x 3 m splay corner for sight distance purposes on the Alison Road/Elizabeth Street corner of the site, (the splay is to be provided on the ground floor of the development), or alternatively demonstrate to the satisfaction of the Certifying Authority that adequate sight lines through the development are provided at this intersection to minimise any pedestrian conflicts.*
79. *The applicant must provide a 1.5m x 1.5 m splay corner for sight distance purposes on the Elizabeth Street/Elizabeth Lane corner of the site. The splay is to be provided on the ground floor of the development.*

80. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
81. *The driveway opening at the Elizabeth Lane frontage must be 5.5 metres wide and located at least 1.0 metre clear of the side property.*
82. *The internal driveway and all internal ramps must be suitably designed for two way traffic movements. The construction Certificate plans must demonstrate compliance with this requirement.*
83. *A work zone is to be provided in Elizabeth Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

It is noted that the requirement for a workzone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

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

84. *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:*

For the Alison Road frontage:

- *100mm above the top of the kerb at all points opposite the kerb, along the full Alison Road site frontage, (excluding the areas where steps are proposed on the footpath).*

For the Elizabeth Street Frontage:

- *Match the back of the existing footpath along the full site frontage.*

For the Elizabeth Lane Frontage:

- *50mm above the centerline of the road, along the full site frontage.*

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

85. *The design alignment level at the property boundary must be strictly adhered to.*
86. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for*

the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

87. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3029.00 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
88. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

89. *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.*
90. *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.*
91. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
92. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
93. *The applicant shall meet the full cost for the overhead power lines and telecommunication cables located along the Alison Road and Elizabeth Street site frontages to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*

The undergrounding shall extend to the nearest power pole outside of the development site frontage and is to include laying the wires and cables and ducting:

1. *Under the Elizabeth Street road carriageway*
2. *Across the site frontage.*

94. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at*

www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

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

External Drainage works

95. *All stormwater runoff being discharged from the site shall be directed to Council’s underground drainage system in Alison Road Street via a new kerb inlet pit. The new kerb inlet pit shall be constructed in general accordance with Council’s standard drawing SD6.*
96. *With the exception of the site discharge pipe, all new pipelines constructed within council’s road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council’s road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
97. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
98. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council’s Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council’s road reserve (including detailed levels).*
99. *All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by the Director of Asset and Infrastructure Services prior to the issuing of a construction certificate.*

Internal Drainage

100. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- (a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - (b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - (c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - (d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - (e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - (f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - (g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
101. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
102. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

- 103. A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
- 104. The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*
- 105. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

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

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

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

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

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

110. *Stormwater pipes shall be located in accessible locations.*

111. *Pump out systems will only be considered if the applicant can demonstrate to the Principal Certifying Authority that it is not possible to manage stormwater runoff in any other manner.*

Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

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

(a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and

(b) prior to stormwater discharging into any absorption/infiltration system.

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar).*
- A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).*
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- A sign adjacent to this pit stating that:*

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

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

113. Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
114. **Two** covered car washing bays shall be provided for this development.
- (a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.
 - (b) The car washing bay/s must be located outside any required/approved stormwater detention system.
 - (c) The car washing bays must be signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'
 - (d) The car washing bay/s must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
 - (e) A water tap shall be located adjacent to the car washing bay/s.
115. Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- The location of the detention basin with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in the detention areas;
 - The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - The orifice size(s) (if applicable); and
 - Details of any pumping systems installed (including wet well volumes).
116. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.
117. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

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

Seepage water must **not** be collected and drained from the site.

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

- 118. The residential garbage room areas will have to be designed so as to be able to contain a total of 20 x 240 litre bins (10 garbage bins & 10 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
- 119. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
- 120. The commercial/retail waste storage area must be capable of containing 12 x 240 litre mobile garbage bins or an equivalent volume bulk bin, with appropriate access to the bin/s.
- 121. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.

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

- 122. The landscaped areas shown on the plan number DA16, project 2003210, issue A, drawn by GDL of Jackson Teece Architecture and dated Dec 2003 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority or {the Director of Assets & Infrastructure in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979}, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:
 - (a) A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

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

- (b) A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - (c) A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - (d) Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, lighting and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - (e) Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - (f) Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - (g) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Details shall be submitted with the detailed landscape plans.*
 - (h) The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- 123. 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.*
- 124. The applicant shall submit a landscape design for the Alison Road and Elizabeth Street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick Commercial Centre. The landscape design shall include pavements, seat installations, bins, garden beds and tree grates as required by Council's Landscape Architect – 9399 0786.*
- The Landscape Design plans shall be submitted to and approved by Council's Director A & I Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.*

The applicant shall note that all approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on

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

125. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

126. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used throughout the driveway 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.

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

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

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

129. *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.*

Tree Management

130. *Approval is granted for the removal of the following trees subject to the planting of 5 x 75 litre replacements (Kentia Palms) within the site.*

- *One Syagrus romanzoffianum (Cocos Palm) in the rear yard of 145 Alison Road, close to the common boundary of 147 Alison Road.*
- *One Archontophoenix cunninghamiana (Bangalow Palm) in the rear yard of 145 Alison Road, close to the common boundary of 147 Alison Road.*
- *One Cupressus sempervirens (Pencil Pine) in the rear yard of 145 Alison Road,*

against the southern boundary.

Tree Protection Measures

131. *In order to ensure the retention of the two (2) Platanus x hybrida (London Plane Trees) on the Alison Road nature strip in good health, the following measures are to be undertaken:*

- (a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- (b) *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3 metres from the outside edge of the tree trunks.*
- (c) *The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunk.*

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

- (d) *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*
- (e) *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

132. *In order to ensure the retention of the Syagrus romanzoffianum (Cocos Palm) located in the front yard of 145 Alison Road, near the eastern boundary 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 metre 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.*
- (d) Any excavations required for footings, structures, retaining walls, services, pipes, stormwater infiltration systems, paving etc within 1 metre 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".*
- (f) A refundable deposit in the form of cash or cheque of \$430.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
<i>1</i>	<i>Syagrus romanzoffianum (Cocos Palm)</i>	<i>\$430.00</i>
	TOTAL	\$430.00

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

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

- 133. A refundable deposit in the form of cash or cheque for the amount of \$15,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

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

approval of the Principal Certifying Authority.

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

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

- 134. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision or improvement of public open space in lieu of on site provision for an amount of \$25,014.90 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
- 135. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for the provision of community facilities in lieu of on site provision for an amount of \$11, 060.60 This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*
- 136. In accordance with Council's Section 94 Contributions Plan adopted on September 1999 a monetary contribution is to be paid to Council for administration charges for an amount of \$425.00. This amount shall be paid by cash or bank cheque prior to the issuing of the construction certificate. Council's Section 94 Contributions Plan may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

Advisory Conditions

- 1. 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.*

ADVISORY MATTERS:

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

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

- a) Part B1 -Structural provisions*
- b) Part C1 -Fire resistance*
- c) Part C2 -Compartmentation*
- d) Part C3 -Protection of openings*
- e) Part D3 -Access for disabled*
- f) Part E1 -Fire fighting equipment*

- g) *Part E2 -Smoke Hazard Management*
- h) *Part E4 -Emergency lighting, exit signs and warning systems*
- i) *Part F4 -Light and ventilation ,in particular, carpark ventilation.*

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

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

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

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

(Cr Bastic left the Chamber at this stage of the meeting.)

11. PETITIONS.

Nil.

12. URGENT BUSINESS.

Nil.

13. CONFIDENTIAL REPORT.

13.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 34/2004 - MATERIAL RECYCLING FACILITY – BUNNERONG. (98/S/3862(4))

14. COMMITTEE-OF-THE-WHOLE.

The Mayor invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

RESOLVED: (Procopiadis/Notley-Smith) that the Ordinary Meeting of the Council be adjourned at 8.32 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Mayor declared the Ordinary Meeting of the Council resumed at 8.39 p.m.

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

15.1 REPORT OF THE GENERAL MANAGER TO THE ORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 19TH OCTOBER, 2004.

The General Manager reported that the following matter had been considered and the following recommendation to the Council had been formulated by the Committee-of-the-Whole.

15.2 EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (d) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration concerned commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council and on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

15.3 RECOMMENDATION.

CONFIDENTIAL GENERAL MANAGER'S REPORT 34/2004 - MATERIAL RECYCLING FACILITY – BUNNERONG. (98/S/3862(4))

That:

- a) the report be received and noted;
- b) Council undertake a comprehensive remediation plan for the materials recycling facility at Yarra Bay. The remediation plan to be funded from Council's 2004/05 budget contaminated site management account;
- c) the General Manager be given delegated authority to negotiate with adjoining Councils and other users to enter into commercial contracts for the disposal and purchase of products at the materials recycling facility at Bunnerong; and
- d) Council consider offsetting a portion of the rental costs of the material recycling facility at Bunnerong with the domestic waste levy as part of the management plan process for 2005/06.

15.4 ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.

278 **RESOLUTION:** *(Notley-Smith/Hughes) that that the recommendation made by the Committee-of-the-Whole at its meeting held on Tuesday, 19th October, 2004 be adopted.*

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

16. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 8.40 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 23RD NOVEMBER, 2004.

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CHAIRPERSON