

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 14TH DECEMBER, 2004 AT 6:05 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 & A. White
East Ward	-	Cr D. Sullivan (from 6.07 p.m.)
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 6.41 p.m.) & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Acting Director Asset & Infrastructure Services	Mr. T. McCarthy.
Director Planning & Community Development	Ms. S. Truvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.
Environmental Planning Officer	Ms. M. Cologna.

1. COUNCIL PRAYER

The Council Prayer was read by the Deputy Mayor, Cr Notley-Smith.

2. APOLOGY.

An apology was received from Cr Daley.

RESOLVED: (Andrews/White) that that the apology from Cr Daley for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 14th December, 2004 be received & accepted.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 23RD NOVEMBER, 2004.**

- 331 **RESOLUTION:** (*Notley-Smith/Kenny*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 23rd November, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

(Cr Sullivan attended the meeting at this stage, the time being 6.07 p.m.)

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 30TH NOVEMBER, 2004.

- 332 **RESOLUTION:** (*Notley-Smith/Nash*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 30th November, 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 Hughes declared a Pecuniary interest in Item No.10.6, Director Planning & Community Development's Report 107/2004 - 308-310 Arden Street & 3 Alexander Street as his mother owns a property two doors away.

RESOLVED: (**His Worship the Mayor, Cr M. Matson/Notley-Smith**) that the meeting be adjourned at 6.10 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 Garry Glazebrook, 31 The Boulevard, Lewisham on Item 6.6, Mayor's Minute 111/2004 - Actioning Of Council Resolution On Mass Transit Resolution.
2. Mr John Geerligns, 26 Waratah Avenue, Randwick on Item 6.10, Mayor's Minute No. 115 - RICC.
3. Miss Helen Deegan, Pine Avenue, Little Bay on Item 8.4, Acting Director Asset & Infrastructure Services' Report 103/2004 - Prince Henry At Little Bay - Proposed Road And Park Names.
4. Miss Helen McKenzie, 91 Beach Street, Coogee on Item 10.1, Director Planning & Community Development's Report 102/2004 - 88 Beach Street, Coogee.
5. Ms Robyn Katz, 3/3 Lowe Street, Clovelly on Item 10.2, Director Planning & Community Development's Report 103/2004 - 38 Cliffbrook Parade, Clovelly.
6. Mr Emil Guirguis, 30 Ocean Street, Clovelly on Item 10.2, Director Planning & Community Development's Report 103/2004 - 38 Cliffbrook Parade, Clovelly.
7. Mr Andrew Gibbs, 338 Oxford Street, Paddington on Item 10.5, Director Planning & Community Development's Report 106/2004 - Application to the Licensing Court Of NSW for variations to existing Hotelier's Licence for premises situated at 178-182 Marine Parade, Maroubra known as the Maroubra Bay Hotel.

(Cr Bastic attended the meeting at this stage, the time being 6.43 p.m.)

8. Mr Anthony Betros, 108 Bronte Road, Bondi Junction on Item 10.6, Director Planning & Community Development's Report 107/2004 - 308-310 Arden Street & 3 Alexander Street.
9. Mr Carl Roberts, 14/230 Arden Street, Coogee on Item 10.7, Director Planning & Community Development's Report 108/2004 - 212 Arden Street, Coogee.

10. Mr Roger Corbin, 21/303 Pacific Highway, Lindfield on Item 10.7, Director Planning & Community Development's Report 108/2004 - 212 Arden Street, Coogee.
11. Mr Andrew Joliffe, Palace Hotel, Coogee on Item 10.8, Director Planning & Community Development's Report 109/2004 - 161-167 Dolphin Street, Coogee.
12. Mr Darryl Conybeare, 52-58 William Street, East Sydney on Item 10.8, Director Planning & Community Development's Report 109/2004 - 161-167 Dolphin Street, Coogee.
13. Mr David Hoy, Level 18, 60 Castlereagh Street, Sydney on Item 10.9, Director Planning & Community Development's Report 110/2004 - 2 Bumborah Pt Road, Port Botany.
14. Dr Van Vliet, 84 Perouse Road, Randwick on Item 10.10, Director Planning & Community Development's Report 111/2004 - 70-72 Perouse Road, Randwick.
15. Mr Karl May, Level 1, 586 Crown Street, Surry Hills on Item 10.10, Director Planning & Community Development's Report 111/2004 - 70-72 Perouse Road, Randwick.
16. Mr Frank Back, Level 1, 73 Belmore Road, Randwick on Item 10.12, Director Planning & Community Development's Report 113/2004 - 273-275 Anzac Parade, Kingsford.
17. Mr Peter Zipfinger, 1/806, 71-73 Spring Street, Bondi Junction on Item 12.3, Motion Pursuant to Notice by Councillor Sullivan – Disabled Access Ramp At Clovelly Bay.

The meeting was further adjourned at 7.34 p.m. and was resumed at 7.50 p.m.

RESOLVED: (PROCEDURAL MOTION) (Seng/Sullivan) that Council deal with Item 7.1 and Items 10.1 to 10.12 inclusive at this stage of the meeting.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 106/2004 - WAIVING OF FEES - INDONESIAN WELFARE ASSOCIATION - STREET FAIR. (98/S/2000)

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

- a) Council vote \$3,365.00 to cover the fees associated with the Indonesian Festival and costs be charged to 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 or his representative be given the opportunity to address the event on behalf of Council.

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

6.2 MAYOR'S MINUTE 107/2004 - LIBRARY AND COMMUNITY BUS - WAIVING OF FEES. (F2004/08381)

334 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** that Councillor Procopiadis be nominated as the authorised driver of the bus for the Carol singing arranged by the Castelorizian Ladies Auxiliary on Friday 17th December (4.00pm -10.00pm), Saturday 18th December (10.00am – 4.00pm) and Monday 20th December (10.00pm – 5.00pm) and that

fees totalling \$302.50 be waived on this occasion with the costs charged to the Contingency Fund 2004/05.

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

6.3 MAYOR'S MINUTE 108/2004 - MATRAVILLE FAMILIES FIRST FUN DAY WAIVING OF FEES. (F2004/07668)

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

- a) *Council agree to enter into a partnership arrangement to support the coordination and staging of the Matraville Family Fun Day;*
- b) *Council vote \$408 to cover the fees associated with the event and funds be allocated from the 2004/05 Contingency budget;*
- c) *All publicity relating to the Family Fun Day must acknowledge Council's contribution by displaying the logo; and*
- d) *The Mayor or his 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 MAYOR'S MINUTE 109/2004 - PROPOSAL BY AUSTRALIAN MANUFACTURING WORKERS UNION CONCERNING HANDLING ASBESTOS IN THE COMMUNITY. (F2004/07462)

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

- a) *Council express its in principle support of the objectives outlined in the AMWU proposal;*
- b) *Council support the AMWU's request for the development and implementation of a state wide Asbestos Awareness Education Program by the NSW Government and that Council write to the relevant Minister and the Premier accordingly; and*
- c) *Council request SSROC to give detailed consideration to the proposed Asbestos Safety Certificate (ASC) regime and, if appropriate, to make representations to the relevant Minister/s to consider the implementation of such a statutory ASC regime in the Conveyancing Act & Environmental Planning & Assessment Act.*

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

6.5 MAYOR'S MINUTE 110/2004 - WAIVING OF FEES - EPIPHANY CELEBRATION. (98/S/1393)

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

- a) *Council vote \$1,773.50 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 or 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.

6.6 MAYOR'S MINUTE 111/2004 - ACTIONING OF COUNCIL RESOLUTION ON MASS TRANSIT RESOLUTION. (F2004/06574)

338 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** *that the information concerning the actioning of part (b) of the Works Committee's resolution of Tuesday 7th December 2004 in regards to a Mass Transit System be received and noted.*

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

(Note: See Item 5.1 – Address by Mr Glazebrook.)

6.7 MAYOR'S MINUTE 112/2004 – HARMONY DAY. (98/S/4828)

(Note: Cr Hughes outlined the Committee's deliberations to the Meeting.)

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

- (a) *the Community Services Committee's resolution of 7th December 2004 concerning the Multicultural Advisory Committee be actioned at tonight's meeting by the tabling of a report and recommendations from the Advisory Committee's meeting of the 13th December 2004; and*
- (b) *it be noted that the cost for the Harmony Day Expo will not be known until the Multicultural Advisory Committee Working Party has met to finalise the details of organising the event.*

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

6.8 MAYOR'S MINUTE 113/2004 - SYDNEY AIRPORT MASTER PLAN AND MAJOR DEVELOPMENT PLAN. (F2004/07971)

340 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** *that Council write to Sydney Airport Corporation (SACL) and the Department of Transport and Regional Services (DOTARS) raising concern over the lack of transparent consultation on major development issues, requesting a broader and more responsive consultative process, and seeking the inclusion of Randwick City Council in consultations on all future airport major development proposals.*

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

6.9 MAYOR'S MINUTE 114/2004 – HEFFRON PARK PLAN OF MANAGEMENT – WORKING COMMITTEE. (F2004/08398)

341 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Councillors endorse the Deputy Mayor, Cr Bruce Notley-Smith, as the additional member of the Working Committee for the Heffron Park Plan of Management.

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

6.10 MAYOR'S MINUTE 115/2004 – RICC. (98/S/2454)

342 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Council vote \$4,000 to assist with the removal expenses in relation to the move from Waratah Street to the Bowen Centre by the Randwick Information and Community Centre and this be funded from the Contingency Fund for 2004/05.

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

6.11 MAYOR'S MINUTE 116/2004 - AFFIXING OF COUNCIL SEAL. (98/S/1300)

343 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:

- (a) *Karl Solomonson on behalf of the Randwick District Surf Lifesaving Offshore Rescue Boat in relation to a lease for the Boat Shed on Part of Reserve No. D500390; and*
- (b) *Karl Solomonson on behalf of the Randwick District Surf Lifesaving Offshore Rescue Boat in relation to a Licence for Part of Reserve No. 81544, more particularly described as a parcel of land including a boat ramp and storage shed located at the southern foreshore opposite Bay Parade, Malabar.*

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

6.12 MAYOR'S MINUTE 117/2004 – 38 CLIFFBROOK PDE, CLOVELLY. (447/04)

(Note: See Item 10.2)

344 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Council consider and determine the development application for 38 Cliffbrook Parade, Clovelly at this meeting.

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

6.13 MAYOR'S MINUTE 118/2004 - CHRISTIAN CONVENTION IN AID OF SUICIDE PREVENTION. (98/S/0931)

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

- (a) *Council vote \$1787.50 to cover the fees and refreshments associated with the Christian Convention in Aid of Suicide Prevention and the costs be charged to 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 or his representative to 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' REPORT.

7.1 GENERAL MANAGER'S REPORT 45/2004 - THE INTERNATIONAL AWARDS FOR LIVEABLE COMMUNITIES 2004. (F2004/07729)

(Note: A presentation on Randwick Council's entry in the Liveable Communities Award was viewed at this meeting. The former General Manager, Gordon Messiter, was present at this meeting and was presented with a Certificate as a sign of Council's appreciation for his contribution towards the Council being awarded the Silver Commendation at the 2004 International Awards for Liveable Communities.)

346 **RESOLUTION: (Sullivan/Hughes) that:**

- a) *Council note the significant achievement of a Silver Commendation in the 2004 International Awards for Liveable Communities; and*
- b) *it be noted that the relevant staff members from the Strategic Planning team delivered the Randwick City Council 2004 Liveable Communities presentation to Council.*

MOTION: (Sullivan/Hughes) SEE RESOLUTION.

8. ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

8.1 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 100/2004 - PETITION SUBMITTED ON BEHALF OF RESIDENTS PROPOSING CHANGES TO TRAFFIC ARRANGEMENTS IN VILLIERS AND ADDISON STREETS, KENSINGTON. (98/S/1173 XR R/0745/01/02-01)

347 **RESOLUTION: (Hughes/Procopiadis) that:**

- a) *the provision for traffic calming measures in Villiers and Addison Streets, Kensington, be not supported as they are not considered warranted due to the nature of these streets;*
- b) *it be noted that the requested "clearway" restrictions in Anzac Parade and the angle parking in Villiers Street had been referred to the December Traffic Committee Meeting;*
- c) *that the Council support the advice of the Randwick Traffic Committee, at its meeting held on 14th December, 2004, that the introduction of a one-way (east) traffic restriction in Addison Street, between Lorne Avenue and Anzac Parade, will be an effective traffic control measure to eliminate vehicles by-passing traffic lights at Anzac Parade and, further, the Acting Director Asset & Infrastructure Services be requested to undertake a formal notification to all residents of Addison and Villiers Streets seeking their support for the introduction of this restriction; and*
- d) *the head petitioners be advised that the Traffic Committee did not support the introduction of angle parking in Villiers Street, as the width of the roadway is insufficient to permit angle parking as stipulated in the R.T.A's guidelines.*

MOTION: (Hughes/Procopiadis) SEE RESOLUTION.

**8.2 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
101/2004 - RESTORATION OF ROSS JONES POOL, COOGEE. TENDER NO
T02/03. (F2004/08132 xr 98/S/4833)**

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

- a) *The tender submitted by Metropolitan Restorations for the lump sum amount of \$339,100 (GST excl) for Tender No T02/03 – Restoration of Ross Jones Pool, Coogee be accepted;*
- b) *An additional \$295,000 be allocated to this project and that this be funded from identified savings in the 2004-2005 Capital Works Budget;*
- c) *Authority be granted for the General Manager, in conjunction with the Mayor, to sign and affix the Council Seal to a contract with Metropolitan Restorations for Tender No. T02/03 – Restoration of Ross Jones Memorial Pool, Coogee; and*
- d) *The unsuccessful tenderer be notified of the Tender result.*

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

**8.3 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
102/2004 - STATUS OF BICYCLE FUNDING 2004. (F2004/06616)**

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

- a) *Council accept the \$50,000 funding for the Randwick Bicycle Plan project from the RTA and provide a matching contribution from the Financial Reserve, to undertake the proposed cycle parking, signage and linemarking; and*
- b) *an additional bike rack location be inserted on the list, namely at the front of the Council's Administrative Centre at 30 Frances Street, Randwick and the appropriate officers investigate the allocation of the additional funding required for this purpose.*

MOTION: (Hughes/Woodsmith) SEE RESOLUTION.

**8.4 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
103/2004 - PRINCE HENRY AT LITTLE BAY - PROPOSED ROAD AND
PARK NAMES. (F2004/07140)**

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

- a) *Council propose to adopt the current private road names for all existing and realigned roads;*
- b) *Council propose to adopt "Newton Street" in place of "New Road 2" as this name reflects its original name;*
- c) *Council propose to adopt "Gubbuteh Road" in place of "New Road 1";*
- d) *Council propose to adopt "Murra Murra Place" in place of "New Road 5";*
- e) *Council propose to adopt "Macartney Oval" in place of "Public Park 1";*

- f) Council propose to adopt "Six Track Park" in place of "Public Park 2";
- g) Council propose to adopt "Bob-a-Day Park" in place of "Public Park 3";
- h) The proposals made in point 1 to 7 be advertised in the local newspaper;
- i) Council notify Australia Post, the Registrar General and the Surveyor General regarding the proposed street and park names.

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

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

9.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 42/2004 - PRESENTATION - FINANCIAL REPORTS - YEAR ENDED 30 JUNE, 2004. (98/S/0043)

351 *RESOLUTION: (Notley-Smith/Andrews) that the Director Governance, Management & Information Services Report on the Financial Reports year ended 30th June, 2004 be received and noted.*

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

9.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 43/2004 - PRIVACY & PERSONAL INFORMATION PROTECTION ACT - TAPE RECORDING OF COUNCIL MEETINGS & HEALTH RECORDS & INFORMATION PRIVACY ACT - AMENDMENT TO COUNCIL'S PRIVACY MANAGEMENT PLAN. (98/S/2731 XR 98/S/1078 XR 98/S/1738)

352 *RESOLUTION: (Notley-Smith/Andrews) that the contents of the report of the Director, Governance Management & Information Services in respect to Council's resolution of 24th August, 2004 concerning N.S.W. Privacy Legislation be noted.*

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

9.3 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 44/2004 - GO TO YOUR LOCAL LIBRARY CAMPAIGN. (F2004/08383)

353 *RESOLUTION: (Notley-Smith/Andrews) that the report on Go To Your Local Library campaign be received and noted.*

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

10. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

10.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 102/2004 - 88 BEACH STREET, COOGEE. (DA912/2003)

354 *RESOLUTION: (Woodsmith/Notley-Smith) that Council as the responsible authority refuse its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 03/00912 for demolition of the existing buildings and erection of a new part three part four storey multi unit housing*

development containing six dwellings and basement carparking for 13 vehicles with rear lane access at 88 Beach Street, Coogee for the following reasons:-

1. *the proposal is inconsistent with the Aims of Clauses 2 (g) and the Objectives of Clause 11(1) (c) of Randwick Local Environmental Plan 1998, in that the proposed design and layout of the development will compromise the amenity of the surrounding residential areas;*
2. *the proposal has a FSR of 0.91:1 which exceeds the maximum permissible FSR of 0.65:1 pursuant to clause 32 of RLEP 1998;*
3. *the proposal has a maximum wall height and overall height of 11.4m which exceeds the maximum permissible pursuant to Clause 33 of RLEP 1998;*
4. *the proposal is inconsistent with the stated purposes of Clauses 32 and 33 of Randwick Local Environmental Plan 1998 in relation to floor space ratio and height, and the State Environmental Planning Policy No.1 objections in relation to the proposal's departures from Clauses 32(1) and 33(1) and (3) of Randwick Local Environmental Plan 1998, in particular, are not considered to be well founded;*
5. *the proposed built form is not suitable for the site and is inconsistent with the desired future character of development in the locality;*
6. *the proposal is inconsistent with and contrary to the Objectives and Performance Requirements of the Randwick Development Control Plan-Multi Unit Housing;*
7. *the proposal does not comply with the Aims, Objectives, Requirements and Standards of Randwick Development Control Plan-Parking and does not provide adequate and suitable access to the proposed basement car park;*
8. *the proposal is excessive in bulk and scale and would constitute an overdevelopment of the site;*
9. *the proposal would have an adverse impact upon local residential amenity in terms of visual bulk and scale, loss of views, overshadowing, and loss of privacy; and*
10. *the proposal is not in the public interest having regard to the issues/concerns raised in resident submissions.*

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

**10.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
103/2004 - 38 CLIFFBROOK PARADE, CLOVELLY. (D-0447/2004)**

355 **RESOLUTION: (Andrews/Notley-Smith) that:**

- A. *Council support the objection under SEPP1 to vary the provisions of Clause 32 and 33 Floor Space Ratios and Building Heights of the Randwick Local Environmental Plan 1998 (as amended), on the grounds that the proposed development is consistent with the objectives of the clause and will not adversely affect the amenity of the surrounding locality.*

B. *That Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 447/04 for Demolition of the existing dwelling and erection of a new attached dual occupancy and associated garages at 38 Cliffbrook Parade Clovelly subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered A-101, A-200, A-201-02, A-300-02, A-301-02, A-302-02, job number 0135 Rev 01 and 02 dated 12/11/04 and 1/6/04 received 16/11/04 and 10/06/04 and Survey Ref No. 03156 sheet 1 of 1, dated 11/9/03, 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 commencement of any building works.***

SECTION 94:

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

3. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

a) <i>for the provision or improvement of open space</i>	<i>\$2,732.00</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$1,208.00</i>
c) <i>Administration fee</i>	<i>\$425.00</i>

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

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

4. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*

5. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
6. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

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

7. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.***

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

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

8. *A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy
The tank is to be located a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate and landscape plans, to the satisfaction of the Certifying Authority.*

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

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

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

The following conditions are applied to ensure that the development satisfies the provisions

of the Environmental Planning and Assessment Act 1979 and Regulations:

10. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

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

12. *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.*

13. *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.*

14. *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.*

15. *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.*

16. *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:

17. *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**.*

18. *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.

19. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
20. *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.*
21. *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.**

22. 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:

23. 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.**
24. 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.
25. 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.

26. 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.

27. *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.*
28. *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.*
29. *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.*
30. *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.*
31. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
32. *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.

33. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

34. *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.

35. *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.*

36. *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.

37. *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.*

38. *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.*

39. 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".
40. 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.

41. 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.

42. 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.

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

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment and erosion control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

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

44. *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

45. *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.*
46. *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:

47. *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.*

Security Deposit Conditions

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

48. *The following security deposits requirements are 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) *\$1000.00 - Security damage deposit*
 - b) *\$1000.00 - Vehicular crossing deposit.*

The damage 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. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

The 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.

Civil Works Conditions

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

49. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - i. *Construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.*
 - ii. *Re/construct a concrete footpath along the Lowe St site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - iii. *Reconstruct the concrete kerb and gutter along the Lowe St site frontage including any associated roadworks.*
50. *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.*
51. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

52. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*

Note: the proposed gate entrances in Lowe St shall be constructed 100mm above the Council kerb level at this point.

53. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$825.00 calculated at \$27.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to*

a construction certificate being issued for the development.

Service Authority Conditions

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

54. *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.*
55. *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.*
56. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

Drainage Conditions

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

57. *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.*
58. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter in Lowe St.*
59. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
60. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb in Lowe St.*

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

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- *A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

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

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

Waste Management Conditions

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

61. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the dual occupancy*

Landscape Conditions

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

62. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*
63. *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.*
64. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*
65. *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.*
66. *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.*
67. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
68. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
69. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, the Principal Certifying Authority, prior to the issue of the Construction Certificate.

ADVISORY MATTERS:

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

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

- a) *Clause 3.7.2 of BCA Housing Provisions – Location of smoke detectors*

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

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

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

**10.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
104/2004 - AFFIXING OF THE COUNCIL SEAL. (LS-0041/2004)**

- 356 **RESOLUTION: (Andrews/Notley-Smith)** *that authority be granted for the Council's Seal to be affixed to the subdivision plan and accompanying Section 88b Instrument that relates to 426 and 428 Malabar Road, Maroubra.*

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

**10.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
105/2004 - DELEGATIONS UNDER THE FOOD ACT 2003 (F2004/08221)**

- 357 **RESOLUTION: (Andrews/Notley-Smith)** *that:*

- (a) *In accordance with Section 377 (1) of the Local Government Act 1993, Council delegate to the General Manager the power to issue Prohibition Orders pursuant to Section 60 of the Food Act 2003, and*
- (b) *In accordance with Section 377 (1) of the Local Government Act 1993, Council delegate to the General Manager the power to appoint authorised officers pursuant to Section 114 of the Food Act 2003, and*
- (c) *In accordance with Section 381 (3) of the Local Government Act 1993, Council approve the General Manager to exercise the powers contained within the Director-General of the NSW Food Authority - Instrument of Delegation pursuant to Section 109E of the Food Act 2003, dated 4 April 2004, and*
- (d) *In accordance with Section 381 (3) of the Local Government Act 1993, and Section 109E (3) of the Food Act 2003, and conditional upon approval from the NSW Food Authority, Council approve the General Manager to sub-delegate to the Director, Planning & Community Development and the Manager, Environmental Health & Building Services, the exercise of the powers contained within the Director-General*

of the NSW Food Authority Instrument of Delegation pursuant to Section 109E of the Food Act 2003, dated 4 April 2004, and

- (e) Council formally advise the Director-General of the NSW Food Authority of Council's approval for the General Manager to exercise powers contained within the Director-General of the NSW Food Authority Instrument of Delegation pursuant to Section 109E of the Food Act 2003, dated 4 April 2004, and
- (f) Council formally request the Director-General of the NSW Food Authority to permit the General Manager of Randwick City Council to sub-delegate to the Director, Planning & Community Development and the Manager, Environmental Health & Building Services, the powers contained within the Director-General of the NSW Food Authority Instrument of Delegation pursuant to Section 109E of the Food Act 2003, dated 4 April 2004, and
- (g) Policy No. 2.01.04 - Delegation of Authority, be up-dated in accordance with Council's Resolutions, by including the following amendments:
 - (i) RA001 in paragraph (p) after "Food Act, 2003 & Regulations thereunder" insert "subject to paragraph (a) in RN001."
 - (ii) RN001 in paragraph (a) delete the whole of paragraph (a) and insert "(a) To issue Prohibition Orders pursuant to Section 60 of the Food Act 2003, for premises and equipment."
 - (iii) Create new Reference "RF041". Insert in the **DELEGATIONS** column, new heading "**Food Act 2003**". Insert new paragraph under the heading **Food Act 2003**, "To exercise the powers of the Director-General of the NSW Food Authority as the "appropriate enforcement agency" in NSW for the purpose the Food Standards Code, Standard 3.2.2 clauses 15 and 17, and Standard 3.2.3 clauses 10 and 14." In column headed **DELEGATE** insert "General Manager", and
- (h) Upon receipt of approval from the Director-General of the NSW Food Authority, Policy No. 2.01.04 – Delegation of Authority, be up-dated in accordance with the following amendments:
 - (i) RF041 in the column headed **DELEGATE** insert under General Manager "Director Planning & Community Development" and insert "Manager Environmental Health & Building Services".

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

10.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 106/2004 - APPLICATION TO THE LICENSING COURT OF NSW FOR VARIATIONS TO EXISTING HOTELIER'S LICENCE FOR PREMISES SITUATED AT 178 - 182 MARINE PARADE, MAROUBRA KNOWN AS THE MAROUBRA BAY HOTEL. (F2004/07767)

358 **RESOLUTION: (Andrews/Notley-Smith) that:**

1. Council raise no objection to the grant of the application by Multiplex Maroubra Pty

Limited made to the Licensing Court of New South Wales pursuant to the Liquor Act 1982, for variations to the existing Hotelier's licence (Serial No. 103751) for premises situated at 178 – 182 Marine Parade, Maroubra and known as the Maroubra Bay Hotel, to:

- (a) Redefine the licensed area.*
- (b) Dispense with the requirement for accommodation.*
- (c) Variation of Sunday trading hours to permit trading to 12.00 midnight.*
- (d) Section 112 of the Liquor Act 1982, to authorise the use by a minor in the company of a responsible adult of a part of the premises.*
- (e) Delete condition No. 1, in respect to “no transmission or vibration is given to any place of different occupancy”.*

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

**10.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
107/2004 - 308-310 ARDEN STREET & 3 ALEXANDER STREET. (03/0420)**

(Cr Hughes had previously declared a Pecuniary interest in this item – see Agenda Item 4 of these minutes.)

359 **RESOLUTION: (Andrews/Notley-Smith)** *that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 03/00420 on property 3 Alexander Street and 308 – 310 Arden Street, Coogee in the following manner:*

- *Amend Condition No. 1 to read:*

*The development must be implemented substantially in accordance with the plans numbered M-Arden-02B dated 29/4/03 and received by Council 24/11/03, M-Arden – 00, 01, 03, 04, 05, 06 & 07 Rev C, dated 29/4/03 and received by Council on 19/12/03 (plans submitted to satisfy deferred commencement conditions) and the application form and on any supporting information received with the application, as amended by the **Section 96 ‘A’ plans** dated M-ARDEN04 Rev A, dated 12/02/04 and received by Council on 5 May 2004 (copy), and as amended by the Section 96 1A ‘C’ plans numbered MARDN01 to MARDN07, all dated 27 August 2004 and received by Council 17 September 2004 (**only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**) except as may be amended by the following conditions and as may be shown in red on the attached plans.*

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

**10.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
108/2004 - 212 ARDEN STREET, COOGEE. (D0036/2004)**

360 **RESOLUTION: (Andrews/Nash)** *that:*

- A. *Council as the responsible authority grant its development consent as a deferred Commencement under of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), to Development Application No. 36/04 for alterations and refurbishment of the ground floor bars and restaurant of the existing Coogee Bay Hotel and conversion of the existing accommodation at first and second floors to bar and restaurant including new balconies and pergola, at 212 Arden St Coogee, subject to the following conditions.*

DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following amendment/details have been submitted and approved by the Director of Planning and Community Development:-

1. *The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of Clause 94 of the Environmental Planning & Assessment Regulation 2000 and a report, prepared by a suitably qualified BCA and Fire Safety Consultant or an Accredited Certifier, is to be submitted to and approved by Council's Manager of Health and Building Services.*

The fire safety report is to take into consideration the effect of the proposed building works on the existing building including the existing Place of Public Entertainment, in particular the egress from the building and the ground floor levels adjacent to and from the beer garden.

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the Building Code of Australia and be prepared generally in accordance with and the Fire Engineering Guidelines 2001 in order to protect persons using the building, facilitate their egress in the event of fire and to restrict the spread of fire. The report must also take into consideration Council's previous fire safety notice dated 30 May 2003.

The fire upgrading works must also be included in the Construction Certificate and must be implemented and certified prior to the occupation of the alterations of the building.

2. *A plan of management is to be submitted to and approved by Council's Director of Planning and Community Development. The plan of management must include (but not be limited to), measures / procedures to be implemented and or adopted to:*
 - *ensure compliance with the relevant conditions of approval. Such detail is to outline how the practices to be adopted will ensure that nuisances will not be generated and guarantee that the LAB criteria will be complied with at all times. Also, a noise compliance management strategy (recommended by an acoustic consultant) is to be adopted.*
 - *minimise the potential impact of the operation of the premises upon nearby residents;*
 - *minimise the potential impact of the operation of the premises upon surrounding environment and public areas. Such detail is to include procedures to be adopted to ensure the public safety of persons passing the premises and public road/footpath, including measures to prevent public safety being impaired and noise minimisation.*

- *effectively minimise and manage anti-social behaviour including behaviour arising from patrons using the balconies.*
 - *effectively manage and respond to resident complaints;*
 - *ensure responsible service of alcohol and harm minimization;*
 - *minimise the discharge of a large number of patrons at any one time. This is to include the implementation of a 'progressive exit policy'.*
 - *Ensure the orderly and appropriate queuing of patrons for the use of the Entertainment/Conference centre.*
 - *Restriction on the use of glass at upper level bars and on balcony areas.*
3. *The proposed balconies to the Coogee Bay Road façade of the building to the second floor level will detract from the integrity of the northern façade of the building. Amended drawings showing an alternative treatment to the balustrade to allow for a transparent design are to be submitted to and approved by Council's Director of Planning and Community Development. The design shall be consistent with the balustrade to the lower level.*
 4. *The colours, materials and finishes of the external surfaces to the building, including window and door frames and balcony railings, are to be compatible with the existing building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Community Development.*
 5. *Details of the proposed paint scheme are to be submitted to and approved by Council's Director of Planning and Community Development.*
 6. *The number of supporting columns under the proposed first floor balcony shall be in accordance with the submitted variation to the master plan and plans submitted to Council on the 7 June 2004.*

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

Subject to compliance with the deferred commencement conditions, 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 36/04 for Alterations and refurbishment of the ground floor bars and restaurant of the existing Coogee Bay Hotel and conversion of the existing accommodation at first and second floors to bar and restaurant including new balconies and pergola. at 212 Arden St Coogee subject to the following conditions:-

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA-40 through to 45 and 48 through to 51 project number 03067 Issue 1 undated submitted 29 January 2004, HSK-01 job number 04893 sheet 1 of 3 through to 3 of 3 Issue A, dated Jan 2004 and submitted 29 January 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans and the details/amendments provide pursuant to the deferred commencement conditions:*

2. *The balconies to the first floor level (upper ground floor on plans) shall only be used in conjunction with the proposed restaurant and the service of alcohol in these areas must take place with the provision of a meal as defined by the NSW Liquor Act 1982.*
3. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

4. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
5. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
6. *Prior to the commencement of any building 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.*
7. *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.*
8. *The proposed first floor layout is to incorporate where possible beams or nib walls as evidence of the original layout of the building and to facilitate retention of existing ceilings. Amended drawings are 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.*
9. *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.*
10. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for car parking in lieu of 34 car parking spaces being provided on site* \$268,668.00
 - b) *Administration fee* \$425.00

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

Fire Safety Conditions

11. *Buildings in which there is a change of building use must comply with the category 1 fire safety provisions applicable to the proposed new use, in accordance with clause 93 of the Environmental Planning and Assessment Regulation 2000, unless an exemption is in force under clause 187 or 188 of the Regulation. Details of compliance are to be provided to the principal certifying authority and the Council, prior to issuing an occupation certificate.*
12. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*

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

13. *A Certificate of Adequacy 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.*
14. *The east and north facing first floor and second floor balconies are to be designed by a qualified, consulting, structural engineer to accommodate all loads, including live loads, in accordance with the BCA in full and the relevant Australian Standards and all details must be provided with the Construction Certificate.*

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

15. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 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**.*
16. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
17. *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.

18. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
19. *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.*
20. *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.

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

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

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

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

23. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written 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.*
24. *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".*
25. *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.

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with 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.

27. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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.

28. *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.*
29. *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

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:

30. *No public entertainment is to be provided on the first and second floor levels of the premises unless a further development application (under the Environmental Planning & Assessment Act 1979) and local approval application (under the Local Government Act 1993) is submitted to and approved by Council.*
31. *The restaurant located on the first floor level shall contain a maximum of 200 patrons (including balcony areas), with a maximum of 110 patrons on the balconies, at any one time.*
32. *The bar located on the second floor level shall contain a maximum of 200 patrons (including balcony areas), with a maximum of 115 patrons on the balconies, at any one time.*
33. *Suitably worded signage is to be provided to the balcony areas on the first floor and second floor levels stating the allowable number of persons to be positioned at any one time.*
34. *Windows and doors located on the ground floor level are to be closed at 12:00 midnight, seven (7) days per week and whenever public entertainment is provided at ground floor level.*
35. *The windows and doors to the first and second floor levels (including all balcony areas) are to be closed and locked at 12:00 midnight, seven (7) days per week (other than for required egress purposes). Patrons are to be relocated inside the building from the balconies by 12:00 midnight (excluding the enclosed Winter Garden area).*
36. *The handrails and balustrades located on all balconies shall be designed so as not to facilitate the placing and/or storing of articles, glasses and the like.*
37. *Adequate barriers shall be provided on all balconies at floor level so as to ensure that articles, glasses and the like are unable to be knocked or kicked off the balcony areas onto surrounding footway and road areas.*
38. *The proposed use and 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 $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

39. *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.*

40. *The maximum internal level of noise in the form of background music within the restaurant and bar areas located on the first and second floor levels must not exceed L_{10} of 75dB(A) at all times or as otherwise stated within section 5.2 of the acoustic report prepared by Renzo Tonin & Associates Pty Ltd, dated 4 May 2004 (Ref No.TB441-02F02 (Rev3)).*
41. *A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within 3 weeks of an occupation certificate being issued and annually thereafter, 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 Industrial Noise Policy Noise Control Manual (sleep disturbance) and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*
42. *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.*
43. *Security guards or a specially appointed members of staff must be provided at all times, identified as such by uniform (or the like), to take all reasonable steps to prevent noisy and unruly behaviour of patrons attending or departing the premises. The security guards are to patrol the locality until half an hour after close or until the last patron leaves the vicinity of the hotel, whichever is the later. The number of security guards and patrol locations must be in accordance with the current Liquor License.*
44. *The number of persons permitted in the premises is not to exceed the authorised capacity at any times and the capacity is to be monitored using a hand held counting device carried out by a specifically appointed manager or duty officer, issue of numbered tickets, supplemented by a periodical head count by a specially appointed manager or duty officer or other suitable process.*
45. *The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.*
46. *Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.*

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

47. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.*

48. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
- *Food handling – skills, knowledge and controls.*
 - *Health and hygiene requirements.*
 - *Requirements for food handlers and businesses.*
 - *Cleaning, sanitising and maintenance.*
 - *Design and construction of food premises, fixtures, fitting and equipment.*
49. *The design and construction of food premises must comply with the following requirements, as applicable:-*
- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
 - *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
 - *The glazed tiling or other approved material should extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
 - *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
 - *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
 - *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
 - *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*

- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
 - *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
 - *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
 - *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
 - *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
 - *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.*
50. *Storage rooms and the like associated with food preparation, cooking, etc are to be upgraded so as to comply with the provisions of the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.*
51. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.*
52. *A certificate or statement must be provided to the certifying authority and the Council, from a suitably qualified person, prior to occupation, which confirms that the mechanical ventilation system satisfies the relevant requirements of the Building Code of Australia and Australian Standards AS 1668 Parts 1 & 2.*

53. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of related works.*
54. *The disposal of waste materials in the domestic garbage service is not permitted. All waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council prior to occupation of the building.*
55. *Council must be notified in writing, upon completion of the work and prior to the issuing of an occupation certificate, to enable the premises to be inspected by Council's Environmental Health Officer and the premises must be registered with the Council as a food premises prior to occupation of the premises.*

Registration and inspection fees must be paid to Council on an annual basis/upon inspection, in accordance with Council's current adopted Pricing Policy.

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

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

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

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

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

Security Deposit Conditions

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

58. *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:*

\$4000.00 - Damage / Civil Works Security Deposit

59. *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.

60. *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.*

Traffic conditions/Civil Works Conditions

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

61. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - i. *Re-construct the footpath along the Coogee Bay Road frontage (of the redeveloped portion of the site) in accordance with Council's Urban Design guidelines for Coogee. This shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.**

*It is noted that whilst the applicant is only required to reconstruct the section of footpath that fronts the north-eastern corner of the site (i.e. the section of the site being redeveloped), the applicant shall purchase sufficient pavers to complete footpath reconstruction works along the full site frontage. **This requirement is included to ensure that when the remainder of the site is redeveloped/modified (in accordance with the master plan), there will be sufficient pavers of the same colour and style available to complete the footpath works along the full site frontage.***

The pavers that are not used to complete the section of footpath in front of north-east corner of the site shall be stored at the Council Depot until they are required. The applicant is advised to contact Council Landscape technician on 9399 0613 regarding this matter.

62. *The applicant shall note that all external work carried out on Council property (with the exception of the proposed balcony structure), 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 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.*
63. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

Conditions relating to construction of balconies over Council's road reserve:

The following conditions are applied to provide adequate consideration to works constructed over Council's road reserve:

64. *Consent under section 138 of the Roads Act 1993 shall be obtained from Council for the construction of the proposed balcony along the Arden Street and Coogee Bay Road site frontages. The Section 138 consent shall be obtained prior to the commencement of any works in the road reserve.*

A copy of the Section 138 consent shall be forwarded to the certifying authority prior to works commencing in the road reserve.

65. *All works on the proposed balcony structure along the Arden street site frontage shall be undertaken by a Council approved contractor. The contractor engaged to undertake the works must hold full public liability in relation to any claims sustained as a result of construction of the balcony and supporting structures.*

The contractor must keep a policy of public risk insurance with respect to the works on Council property. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the proposed balcony area or the public footway directly beneath the balcony.*
- b. *The policy must name the Council as the owner and the contractors undertaking the work as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
- c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be submitted to Council prior to the commencement of work on Council property.*
66. *A minimum 2 metre wide unimpeded pedestrian footway shall be maintained along Arden Street and Coogee Bay Road at all times during construction of the balconies.*
67. *Prior to erecting any scaffolding/formwork to facilitate construction of the balcony structures, the applicant shall obtain an A-class hoarding permit. The applicant is advised to Contact Council Building Certification Unit (9399 0878) regarding this matter.*
68. *Any metal parts of the proposed balcony shall be at least 4 metres from any power lines transmission lines or transmission apparatus.*
69. *The balcony and supporting elements shall be designed by a suitably qualified structural engineer. The structure shall be designed to withstand vehicle impact and removal of any one column.*
70. *The new balcony (and supporting columns) shall be set back at least 1 metre from the face of kerb in Arden Street and Coogee Bay Road. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

71. *The supporting elements/footings for the balcony over council's footpath shall be founded on rock or extended below a 30 degree line taken from the level of any services in the road reserve. This condition has been included to ensure that excavation works required to access services will not undermine the column foundations.*
72. *The buildings within the site must be structurally independent of the balcony so that if the balcony needs to be removed, the structures on site will not be affected.*
73. *The balcony structure over Council's footpath shall be designed to ensure that any stormwater runoff from the balcony area is directed back into the site stormwater system. Stormwater runoff must not fall onto the footpath beneath the balcony area.*
74. *Prior to an occupation certificate being issued for the development, a positive covenant and restriction under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-*
75. *The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the balcony (including all supporting structures) located over the public footway along the Arden Street and Coogee Bay Road site frontages, with all works being undertaken to the satisfaction of Council;*
76. *The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims sustained as a result of the balcony and supporting structures;*
77. *The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the balcony along the Arden Street and Coogee Bay Road site frontages. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.*

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the balcony area or the public footway beneath the balcony.*
 - b. *The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
 - c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the registered proprietors of the Lot(s) burdened to the Council.*
78. *The registered proprietors of the Lot(s) burdened to enter into a formal lease agreement to use the balcony. All costs associated with the rental evaluation, lease preparation and legal costs incurred by the lessor shall be covered by the lessee.*
 79. *No structures to be erected, nor goods to be stored, nor any work carried out in, on or over the public footway other than those approved by Council.*

80. *The registered proprietors of the Lot(s) burdened to meet the full cost for the balcony structure located over Council's footpath to be removed (and the area reinstated to the satisfaction of Council), if either:-*
81. *The duration of the lease agreement expires and a new lease is not entered into; or The lessee fails to comply with the terms of the lease agreement and/or Council determines that the balcony is posing as a safety hazard.*
82. *The positive covenant and restriction to not be released, varied or modified without the consent of the Council.*
- The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.*
83. *The balcony areas located over Council's footpath (in public airspace) must not be used until a formal lease agreement with Council has been entered into.*

Alignment Level Conditions

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 has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
- *Coogee Bay Road Frontage: 90mm above the top of the kerb at all points opposite the kerb, along the full site frontage.*

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

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

85. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.*
86. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1353 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.*

Service Authority Conditions

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

87. *The applicant will be required to meet the full cost for all overhead cables located*

along the Coogee Bay Road and Arden Street site frontages which connect to the applicant's property to be relocated underground. The applicant shall liaise directly with the relevant service authorities regarding this matter.

88. *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.*
89. *The applicant will be required to meet the full cost for all overhead cables which connect to the applicant's property on Coogee Bay Road and Arden Street frontages to be relocated underground.*
90. *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. **In particular, the applicant shall ensure that the service authorities do not object to the location of the proposed columns supporting the balcony along the Arden Street and Coogee Bay Road site frontages.***
91. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

Drainage Conditions

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

External Drainage

92. *All stormwater runoff from the new/redeveloped roof areas shall be discharged to Council's underground drainage system in either Arden Street or Coogee Bay Road, via a new and/or existing kerb inlet pit. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
93. *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.

94. *All areas of Council's footpath and roadway affected by the proposed drainage works shall be reinstated to the satisfaction of Council's Manager of Assets.*
95. *All drainage details for works on Council property 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.*
96. *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. The plan shall detail the as-constructed details for all works within Council's road reserve (including detailed levels).*

Internal Drainage

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

- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
- g) *The details of any special features that will affect the drainage design*
98. *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.*
99. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council's drainage system does not surcharge back into the site stormwater system.*
100. *A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging to Council's drainage system; and*

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.*

101. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
102. *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.

103. *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 details of the levels, location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes.*
104. *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.*

Waste Management Conditions

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

105. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the development site, post construction.*

Landscape Conditions

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

106. *The applicant shall submit a landscape design for the Coogee Bay Road frontage of the development in accordance with Council's Urban Design Guidelines for Coogee. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.*
107. *The Landscape Design plans shall be submitted to and approved by Council's Director of Asset and Infrastructure 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.*

All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months

prior to the estimated date for the completion of street frontage works.

Advisory Conditions

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

A2. *For the purposes of the consent conditions;*

- *the ground floor level is identified as the lower ground floor level as detailed in the plans submitted with the application;*
- *the first floor level is identified as the upper ground floor level as detailed in the plans submitted with the application;*
- *the second floor level is identified as the first floor level as detailed in the plans submitted with the application.*

A3. *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 and separation*
- d) *Part D1 - Egress*
- e) *Part D2 - Construction of exits*
- f) *Part D3 - Access for people with disabilities*
- g) *Part E1 - Fire fighting equipment*
- h) *Part E2 - Smoke Hazard Management*
- i) *Part E4 - Emergency lighting, exit signs and warning systems*
- j) *Part F4 - Light and ventilation*

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

A4. *A lease agreement must be entered into between the owner of the premises and Council in relation to the use of Council's airspace for the footway dining and balconies.*

MOTION: (Andrews/Nash) SEE RESOLUTION.

AMENDMENT: (Hughes/Woodsmith) that Condition Nos. 39 and Condition No. 2 (dot point 5) remain as part of the consent conditions. **LOST.**

**10.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
109/2004 - 161-167 DOLPHIN STREET, COOGEE. (D/0819/2002)**

361 **RESOLUTION: (Andrews/Notley-Smith)** that Council as the responsible authority refuse its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 819/2002 for alterations

and additions and conversion of an existing serviced apartment building containing 81 apartments to a multi-unit housing building containing 45 dwellings and re-subdivision of the existing strata plan at 161-167 Dolphin Street, Coogee for the following reasons:-

1. *The proposal will fail to provide an adequate level of acoustic amenity for future residents of the development. The submitted acoustic reports are inadequate and fail to substantiate that the proposed acoustic recommendations are sufficient to ensure a satisfactory residential amenity (internally and externally) for the proposed occupants.*
2. *The proposal is inconsistent with design quality principles of State Environmental Planning Policy No. 65-Design Quality of Residential Flat Development in particular Principal 7: Amenity. The development fails to take into account its acoustic environment and provide an appropriate design response to optimise amenity in terms of visual and acoustic privacy; ventilation, access to sunlight and daylight and efficient layouts.*
3. *The proposal fails to provide facilities for bicycle parking in accordance with the Randwick Development Control Plan-Parking.*

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

**10.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
110/2004 - 2 BUMBORAH PT ROAD, PORT BOTANY. (742/2004)**

362 **RESOLUTION: (Andrews/Notley-Smith) 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 D04/00742 for Change of use of buildings onsite for the purpose of port related storage warehousing and distribution including installation of a pallet stacking system for containers, new roller door, awning structure, external hardstand area, storage area and new fire access roads at 2 Bumborah Pt Road, Port Botany subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA01b to DA03b, dated 03/09/04 and received by Council on 10 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 for the relevant building works.

3. *Containers shall be stacked no higher than 5 containers high. Containers are to be stacked in designated areas of the approved plan only and are not permitted to be stacked in any other areas on the site without the prior written consent of Council.*
4. *The hours of the operation of the business are restricted to:-
Monday through to Sundays, from: 6.00am to 10.00pm.*
5. *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.*
7. *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.*
8. *All loading and unloading associated with the use or operation of the premises shall be carried out within the site only.*
9. *At no time shall any vehicles associated with the use or operation of the premises be parked on any adjacent or nearby streets, lanes or reserves or queue or park anywhere along Bumborah Point Road or Botany Road.*
10. *The maximum number of heavy vehicle movements per day is restricted to 100. Consent is required to be obtained from Council and the RTA should any increase in the number of vehicle movements above this be anticipated, prior to the increase occurring.*

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:

11. *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 (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

12. *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.*

13. *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 condition is applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

14. *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.*

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

15. *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.

16. *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.*
17. *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.*
18. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
 - i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the person's*

intention to commence building works.

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

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

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

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

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

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

22. *The required Long Service Levy payment, under the Building and Construction*

Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

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

23. *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.*
24. *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".*
25. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
26. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
27. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
28. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
29. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
30. *A coloured works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.*
31. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that “unauthorised entry to the work site is prohibited”.*
32. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
33. *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.

34. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
35. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council’s Local Approvals Policy. Applications to place a waste container in a public place can be made to Council’s Building Services section.*
36. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*

- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

37. *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.*

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

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

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

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

maintained throughout construction.

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

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

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

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

40. *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.

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

The following condition is applied to provide access and facilities for people with disabilities:

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

The following condition is applied to ensure that adequate provisions are made for the fire safety of the occupants and persons engaged in fire fighting activities:

43. *The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000 and a report prepared by a suitably qualified person or accredited certifier is to be submitted to and approved by Council's Manager of Environmental Health and Building Services, prior to the issuing of a construction certificate, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979.*

The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the Building Code of Australia, to protect persons using the building, and to facilitate their egress from the building in the event of fire and to restrict the spread of fire.

The fire safety upgrading works are to be included in the construction certificate and be implemented prior to occupation of the new building or part.

The following conditions are applied to ensure that the proposed development complies with the requirements of Part 3A of the Rivers and Foreshores Improvement Act 1948:

44. *The proposed construction works are carried out so that:*
- (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Botany Bay or the adjacent canal; and*
 - (b) No materials are likely to be carried by natural forces to the bed, shore or waters of Botany Bay or the adjacent canal.*
45. *Any material that does enter Botany Bay or the adjacent canal must be removed immediately.*
46. *Methods shall be in accordance with the relevant specifications and standards contained in the manual Managing Urban Stormwater – Soils & Construction issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.*
47. *Any material that is to be stockpiled or stored on site is to be stabilised and covered to prevent erosion or dispersal of the material.*
48. *The erosion, sediment and pollution controls shall be installed and stabilised before commencement of any site works. This does not include the works associated with the construction of the appropriate controls.*
49. *The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.*
50. *No works are to be undertaken on land owned by NSW Maritime without the relevant approvals being granted.*

The following conditions are applied to ensure compliance with the requirements of

Sydney Water:

51. *The developer may require a Section 73 Compliance Certificate from Sydney Water. Sydney Water recommends that Council stipulate that the proponent secure a Section 73 Certificate from Sydney Water as a condition of consent. Issuing of the Certificate will confirm that the proponent has met Sydney Water's detailed requirements, which include:*

- *Correctly sized water and wastewater mains; extensions or amplifications to existing water and wastewater systems (if necessary);*
- *Building over/adjacent to Sydney Water's existing water, sewerage or stormwater infrastructure;*
- *Payment of Sydney Water charges; and*
- *The completion of any other requirements.*

Adjustments to existing Sydney Water systems resulting from developer activity will be charged to the particular development. Developers are advised to engage the services of a Water Servicing Coordinator (WSC) to obtain a Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

52. *Several Sydney Water assets, including 500mm and 100mm sewer mains, 375mm and 450mm water mains and a Sewer Pumping Station (SPS) are located adjacent to the proposed development site. These are shown on the attached plan. Any development on site, which may impact on these assets, will be required to comply with Sydney Water's Guidelines on Precautions to be Taken when Building over or adjacent to Sydney Water's Assets.*

The following conditions is applied to ensure compliance with the requirements of the Department of Environment and Conservation:

53. *At no time shall the site be used for chemical storage in volumes over the threshold listed in Schedule 1 of the POEO Act 1997 without the prior consent of both the Council and the Department of Environment and Conservation.*

The following conditions is applied to ensure compliance with the requirements of the Department of Infrastructure Planning & Natural Resources:

54. *The Applicant shall review the dust control measures on site and where necessary, install adequate ventilation/dust extraction systems to ensure that the dust levels are maintained at a safe level below the lower explosion limit. If a ventilation/extraction system is required, the NSW Fire Brigades should be consulted and their requirements included in the design of the system.*

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

55. *Prior to the issuing of a construction certificate, the applicant shall lodge with Council an unconditional bank guarantee for the amount of \$15,000 to guarantee construction of a median island in Bumborah Point Road (if required by the RTA) to restrict site access to left in/left out.*

Should the performance of the intersection of Bumborah Point Road and Botany Road be impaired by the subject development; the bank guarantee will be released upon the applicant or an RTA approved contractor designing and constructing a median island in Bumborah Point Road to the requirements of the RTA.

Should the RTA determine that a median island is not required; the bank guarantee shall be released 24 months after occupation of the subject development site.

The bank guarantee will be released by Council after the applicant has received (and forwarded to Council) written confirmation from the RTA that they do not object to the release of the bank guarantee.

56. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of external 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 Bumborah Point Road.*
57. *The applicant shall note that any 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.*
58. *To ensure that vehicles waiting to enter the subject development site do not queue back into Bumborah Point Road, the site entrance gate shall be used for security only. Sufficient area shall be provided within the site for all receiving and dispatch operations.*
59. *All vehicles (including service and delivery vehicles) shall enter and exit the site in a forward direction. All loading and unloading operations must occur entirely within the site.*
60. *The design of the access, internal circulation and parking areas for the development shall be in accordance with the provisions of Council's DCP for parking, AS 2890.1 and AS 2890.2.*
61. *All carparking areas shall be located clear of heavy vehicle manoeuvring areas.*
62. *Provision shall be made for safe movement of pedestrians through the site.*
63. *All construction related activities shall be undertaken within the site*

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

64. *The applicant must meet the full cost for telecommunication companies, gas*

providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

65. *All new/re-developed areas of the site shall be above RL 2.80 m (AHD).*
66. *Stormwater runoff from the redeveloped portion of the site shall be connected into the existing site drainage system in general accordance with the submitted report titled 'On-site overland flows and freeboard levels', by Acor Consultants Pty Ltd, dated 18 October 2004'.*
67. *Generally, new pits and pipes shall be sized for flows up to the 1 in 20 year storm event.*
68. *The floor level of all habitable and storage areas shall be a minimum of 300mm above any adjoining 1 in 100 year overland flow path/ponding depth.*
69. *Engineering calculations and plans in relation to site drainage shall be submitted to and approved by the Certifying Authority and Sydney Ports Corporation prior to a construction certificate being issued for proposed development.*
70. *The applicant shall provide Stormwater Pollution Control devices (SWPC's) over the outlet pipelines that discharge from the site / into the canal drainage system. The SWPCs shall be capable of collection and containment of liquids, sediments and trash and it shall treat all runoff up to the 3 month ARI magnitude for liquid, litter and sediments.*
71. *There shall be no goods stored, nor vehicles driven immediately adjacent to the edge of the canals located along the southern and western boundaries of the site. This condition has been included to ensure that the concrete canals are not damaged by excessive surcharge loads.*
72. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*

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

73. *Waste management shall be undertaken in general accordance with the waste management plan and associated drawings submitted by Urbis JHD and dated 20 October 2004.*
74. *The bin storage areas shall be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

Should the applicant demonstrate that that the bins will be water/weather proof, the requirement for the bin storage areas to be covered and drained to the sewer may be waived provided that a covered bin washdown area (graded and drained to the sewer) is provided elsewhere in the site.

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

75. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
76. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

Tree Management

77. *Permission is granted for the selective pruning of only those branches deemed necessary by the site Arborist, in order to accommodate the proposed works. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees', as detailed on page 10 of the submitted Tree Inspection and Report (by Paul Laverty and Associates, reference number R74/04, dated October 2004)*

Tree Protection Measures

78. *In order to ensure the retention of all trees within the site in good health, the recommendations detailed in the submitted Tree Inspection and Report (by Paul Laverty and Associates, reference number R74/04, dated October 2004) shall be implemented as required. In particular 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.*

If excavation/construction is proposed within the driplines of any trees within groups 1-12 (as identified in the Tree Inspection and Report), such trees are to be physically protected by the installation of protective exclusion-zone fencing as detailed on page 8 of the submitted report.

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

Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.

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

Any excavations required for footings, structures, retaining walls, services, stormwater

infiltration systems, paving etc within the driplines of any trees 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.

The installation of woodchip mulch to a depth of 80mm within the fenced off protection area as described in Point c.

Watering of the tree (within the fenced off area) three times a week for the duration of the works.

The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".

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

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

80. *Remediation and validation works shall be carried out in accordance with the Remedial Action Plan titled Remedial Action Plan- 2 Bumborah Point Road, Port Botany CES Report ID: CES040811-CPP-05-F dated 18 November 2004. Any variation to the proposed remediation works shall be approved by Council in writing prior to the commencement of such works.*

81. *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).*

82. *Any fill importation to the site is to be monitored and classified by the site auditor appointed for remediation of the site or a person with his qualifications. Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*

83. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

84. *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.*
85. *All remediation work shall be conducted within the following hours:*
- Monday – Friday 7am – 5pm*
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays
86. *A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.*
87. *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).*
88. *A Validation Report shall be submitted to Council upon completion of the remedial works, and prior to commencing any building works. The Validation report shall be prepared with reference to the NSW Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:*
- *Description and documentation of all works performed.*
 - *Results of validation testing and monitoring.*
 - *Validation results of any imported fill onto the site.*
 - *Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
 - *Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*

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:

89. *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 (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

90. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within one month of the occupation certificate being issued for the development. The report 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.*
91. *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.*
92. *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.*
93. *The project specific criteria for noise emissions shall be in accordance with the acoustical report titled Acoustic Assessment proposed LCL Distribution Container Centre Bumborah Point Road, Port Botany (reference: 34.4383.R1:NSC) and supplementary information dated 14 October 2004 prepared by The Acoustic Group, when measured at the nearest affected boundary:*

	<i>Evening (6pm – 10pm)</i>
<i>Australia Ave</i>	<i>56 LAeq (15mins)</i>
<i>Murrabin Ave</i>	<i>53 LAeq (15mins)</i>
<i>Partanna Ave</i>	<i>58 LAeq (15mins)</i>
<i>Moorine Ave</i>	<i>52 LAeq (15mins)</i>

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

94. *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.*
95. *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 are applied to ensure compliance with the Food Act 2003, Food Regulations 2004 and the Food Safety Standards and to ensure public health and safety:

96. *The premises are to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code.*
97. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
 - *Food handling – skills, knowledge and controls.*

- *Health and hygiene requirements.*
- *Requirements for food handlers and businesses.*
- *Cleaning, sanitising and maintenance.*
- *Design and construction of food premises, fixtures, fitting and equipment.*

98. *The design and construction of food premises must comply with the following requirements, as applicable:-*

The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.

Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings.

Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.

99. *Council must be notified in writing, upon completion of the work and prior to the issuing of an occupation certificate, to enable the premises to be inspected by Council's Environmental Health Officer and the premises must be registered with the Council as a food premises prior to occupation of the premises.*

100. *Registration and inspection fees must be paid to Council on an annual basis/upon inspection, in accordance with Council's current adopted Pricing Policy.*

Advisory Conditions

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

Advisory Matters

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:

- | | | | |
|-----------|--------------------|----------|---|
| <i>g)</i> | <i>Part D1</i> | <i>-</i> | <i>Provisions for escape</i> |
| <i>h)</i> | <i>Clause D1.2</i> | <i>-</i> | <i>Number of exits required</i> |
| <i>j)</i> | <i>Clause D1.4</i> | <i>-</i> | <i>Exit travel distances</i> |
| <i>k)</i> | <i>Clause D1.5</i> | <i>-</i> | <i>Distance between alternative exits</i> |
| <i>l)</i> | <i>Part D2</i> | <i>-</i> | <i>Construction of exits</i> |
| <i>n)</i> | <i>Part D3</i> | <i>-</i> | <i>Access for people with disabilities</i> |
| <i>p)</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i> |
| <i>q)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>s)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs & warning systems</i> |

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

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

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

**10.10 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
111/2004 - 70-72 PEROUSE ROAD, RANDWICK. (D/1101/2003)**

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

A. *Council support the objections under State Environmental Planning Policy No. 1 to vary the provisions of Clause 33 (1), (3) and (5) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum building height and maximum external wall height of a building on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director of Infrastructure Planning and Natural Resources be notified accordingly.*

AND

B. *Council support the objections under State Environmental Planning Policy No. 1 to vary the provisions of Clause 32 (3) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum floor space ratio on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality and the Director of Infrastructure Planning and Natural Resources be notified accordingly.*

AND

C. *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. DA 1101/2003 for Demolition of existing semi-detached dwellings and the construction of a mixed use commercial and multi-unit housing development containing a shop and thirteen (13) apartments and basement parking for nineteen (19) vehicles at 70-72 Perouse Road, Randwick, subject to the following deferred commencement conditions:-*

DEFERRED COMMENCEMENT CONDITION

The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development within six (6) months of the date of the deferred commencement consent:

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development and based on the colours of the heritage buildings, urban surfaces and the surrounding landscape to maintain the integrity and amenity of the building, the streetscape and "The Spot" Heritage Conservation Area. Details of the proposed colours, materials and finishes (i.e. a sample board keyed to **all***

building elevations) are to be submitted and shall include the following:-

- *Metal roof sheeting painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment*
 - *Details and samples of the glass to be used. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent and certification of such is required with the sample board.*
2. *The architectural plans shall be redesigned for the carpark level (Lower Ground Floor Plan) and driveway and shop (Ground Floor Plan) shall be redesigned to demonstrate the following:-*
- *The driveway opening at the Perouse Road frontage must be 5.50 metres wide and located at least 1.5 metres clear of the side property.*
 - *The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
 - *The proposed garage door to the basement carpark shall be set back a minimum of 5.50 metres from the boundary alignment.*
 - *A longitudinal section showing satisfactory transitions for the driveway ramp (including at the property boundary) in accordance with Australian Standard AS 2890 – 2004 certified by a professional practising Traffic Engineer.*
 - *Relocation of retail garbage store area adjacent to the rear of the shop.*
 - *Allocation of Car Spaces Nos. 17 and 18 as visitor spaces*
 - *Demonstrated compliance by way of turning manoeuvre templates certified by a professional practising Traffic Engineer that vehicles may leave the Lower Ground Floor carpark level in a safe and straight forward manner.*
 - *Secure bicycle parking for five (5) bicycles including one (1) visitor bicycle space and safe and secure storage for each individual unit.*
3. *The landscaped areas shown on the architectural plan number DA02 Revision K, drawn by Turner and Associates shall be the subject of detailed landscape drawings and specifications. 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).*

DEVELOPMENT CONSENT CONDITIONS

- D. *Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1101/2003 for demolition of existing semi-detached dwellings and the construction of a mixed use commercial and multi-unit housing development containing a shop and thirteen (13) apartments and basement parking at 70-72 Perouse Road, Randwick subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with the plans with Job Number 04032 and undated Drawing Nos. DA01, Revision F; DA02, Revision K; DA03, Revision H; DA04 and DA05, both Revision G; and DA06, Revision E, and all received by Council on 17/11/2004; the application form and on any supporting information received with the application, **except as may be amended by the details***

approved with the deferred commencement conditions and 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. *Glazing to all bathrooms, Ensuites, laundries and stairwells shall be opaque glazing to ensure the privacy and amenity of adjoining properties and future inhabitants of the development and shall be shown as such on the construction certificate plans **prior to the release of the construction certificate.***
3. *The second floor terrace shall have a fixed louvred privacy screen to a height of 1.8m along its southern elevation to protect the privacy of the adjoining neighbouring property to the south. The louvres shall be fixed to prevent looking down into the yard of the adjoining property to the south (No. 74 Perouse Road) and shall be shown as such on the construction certificate plans **prior to the release of the construction certificate.***
4. *Carparking spaces within the basement carpark shall be for the development's inhabitants, the tenants of the shop and their visitors only and shall not be sold under separate title or leased to people who dwell outside the complex or who are not the tenants of the shop.*
5. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
6. *Visitor entry to all units, basement carpark and common areas shall be controlled by intercom remote controlled locking systems. Details shall be provided with the construction certificate application.*
7. *The inspection and maintenance schedule for the mechanical car stacker shall be supplied with the Construction Certificate application. This schedule is to be incorporated into any future strata management plan for the site and issued to any unit owners who have the use of the mechanical car stackers.*

A copy of the proposed management plan/strata management plan, incorporating the above requirements in this condition, is to be approved by the Certifying Authority prior to the issuing of an Occupation Certificate.

8. *The Principal Certifying Authority shall obtain for approval a detailed specification for the mechanical car stackers prior to the issuing of the construction certificate.*

Prior to the issuing of the Occupation Certificate, certification shall be submitted to the Principal Certifying Authority that the mechanical car stackers have been installed in accordance with the manufacturer's specifications.

9. *Strata subdivision shall be the subject of separate development consent.*
10. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
11. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes,*

must be concealed within the building.

12. *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.

13. *Power supply and telecommunications cabling to the development shall be underground.*
14. *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.*
15. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

16. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
17. *Adequate levels of lighting to common areas and pathways shall be provided for personal security and safety and shall be on an automatic timer which shall be adjusted appropriately for the start and end of daylight saving when required. Details to be provided with the construction certificate.*
18. *Lighting to the premises internally and externally 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.*
19. *The provisions of Councils tree preservation order are strictly to be observed and it is a requirement that the applicant or their representative obtain any necessary consent required under the tree preservation order.*

Should compliance require amendment to the plan an amended development application is required to be submitted for consideration and approval prior to work commencing.

20. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*
21. *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.*

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

22. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*
23. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
24. *The carpark in the development, must incorporate the provision of:*
 - a) *Not less than 18 car parking spaces allocated at the following rates:- i) residential 13 ii) visitors 3 iii) shop 2*

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

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

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

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

26. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
27. *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.*
28. *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.*
29. *A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy*

The tank is to be located a minimum of 1.5m from the side boundaries and has a maximum height of 2.4m. The tanks is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate and landscape plans, to the satisfaction of the Certifying Authority.

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

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

30. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

<i>a) for the provision or improvement of open space</i>	<i>\$11,184.14</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$ 4,945.28</i>
<i>c) for the provision of townscape improvements</i>	<i>\$ 4,368.00</i>
<i>d) Administration fee \$425.00</i>	<i>\$ 425.00</i>

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

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

31. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

32. *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).*

33. *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).*

34. *That all waste materials be classified under Department of Environment and Conservation (1999) Environmental Guidelines prior to their removal to an appropriate waste facility.*

35. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall prepare a Work Plan prepared in accordance with Australian Standards AS260-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the precautions to be employed to ensure public safety and to*

minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such works.

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:

36. *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 (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

37. *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.*

38. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate** being issued for the development, 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:

39. *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.*

40. *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.*

41. *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.*

42. *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 relevant documentation for the **construction certificate**.*

43. *The location and height of the discharge of mechanical ventilation systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*
44. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

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

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

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

45. *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.

46. *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.*
47. *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.*
48. *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.*
49. *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.*
50. *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.

51. *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:

52. *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.

53. *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.

54. *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.*
55. *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.*
56. *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:

57. *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.*
58. *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.*
59. *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.

60. *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.

61. *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.*

62. *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.*

63. *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.*

64. *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.

65. *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.

66. *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.*
67. *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.

68. *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.*
69. *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.*
70. *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".*
71. *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.

72. *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.*

73. *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.

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

A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented prior to the commencement of any site works or activities.

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment and erosion control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

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

75. *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

76. *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.*

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

This is Page No. 79 of the Minutes of the Ordinary Council Meeting held on Tuesday, 14th December, 2004.

prior to commencement of works.

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

78. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

79. *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) *\$1000.00 - 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:

80. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Perouse Road.*
 - b) *Reconstruct any damaged sections of kerb and gutter across the full site frontage except opposite the vehicular entrance and exit points.*
 - c) *Reconstruct the existing concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
81. *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.

82. *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.*
83. *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.*
84. *A work zone is to be provided in Perouse Road 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 work zone 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:

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

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

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

86. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
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 \$496 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.*

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

88. *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.*
89. *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.*
90. *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.*
91. *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.*
92. *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 release of the construction certificate.***

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

93. *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 issued, 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.*
94. *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.*
95. *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.

96. *All site stormwater must be discharged by gravity via a private drainage easement through an adjoining private property (or properties) to the kerb and gutter or drainage system. This condition is required to provide a satisfactory overland flow route should a storm in excess of the above parameters occur.*

Should the applicant demonstrate that all reasonable attempts to procure the private drainage easement referred to in the previous condition have failed, a pump system (or infiltration system subject to Council's requirements and a satisfactory Geotechnical Engineers report) may be permitted. The pump 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.

97. *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.*
98. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
99. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
100. *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).

101. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
102. *Stormwater pipes shall be located in accessible locations.*
103. *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.

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

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

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).*
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- A sign adjacent to this pit stating that:*

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

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

105. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*

106. *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.*

107. *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*

This is Page No. 85 of the Minutes of the Ordinary Council Meeting held on Tuesday, 14th December, 2004.

and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.

- b) The car washing bays must be located outside any required/approved stormwater detention system.*
 - 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 bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - e) A water tap shall be located adjacent to the car washing bays.*
- 108. Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) The location of the detention basin with finished surface levels;*
 - b) Finished site contours at 0.2 metre intervals;*
 - c) Volume of storage available in the detention areas;*
 - d) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - e) The orifice size(s) (if applicable); and*
 - f) Details of any pumping systems installed (including wet well volumes).*
- 109. 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.*
- 110. 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 the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
- 111. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*

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

112. *The garbage room area for the residential component of the site shall be sized to contain a total of 14 x 240 litre bins (7 garbage bins & 7 recycle bins) whilst providing satisfactory access to these bins.*
113. *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.*
114. *The garbage room area for the retail component of the site shall be sized to contain a minimum of 2 x 240 litre bins (1 garbage bin & 1 recycle bin).*

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

115. *The landscaped areas the subject of landscape plans submitted in satisfaction of the deferred development consent shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority **prior to the issue of a construction certificate**. Should Council not be the PCA for this site, the applicant will still be required to forward a copy of the approved plans to Council for our records. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

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

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

- c. *In order to reduce the impact of the proposed development on adjoining properties, as well as to provide a reasonable level of screening and privacy, the landscaping plan will be required to show the use of a dense, planted screen, that is capable of attaining a minimum height at maturity of 3 metres along the southern and western perimeters of the site. As such, Council's Landscape Technician advises that the proposed planting of *Phormium tenax* 'Purpureum' in the garden to the south of the proposed driveway be replaced with a plant that can achieve a greater vertical*

height. This requirement shall be detailed on the plans submitted for the construction certificate application.

- d. The applicant will be required to provide documentary evidence, from suitably qualified personnel, stating the proposed tree plantings (depth, width, drainage, species selection etc) over the excavated basement carpark are feasible, achievable and capable of supporting the proposed trees for their life term. If this cannot be provided, the applicant will be required to amend the plans accordingly. These details are to be provided with the construction certificate application.*
- e. Selected privacy screening, minimum height 1800mm above ground level, shall be provided to all private courtyards that adjoin each other or are located opposite each other, in order to reduce the potential for overlooking. Details showing this requirement shall be provided for the construction certificate application.*
- f. 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.*
- g. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- h. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- i. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- j. The landscape plan shall show a minimum number of 4 x 100 litre broad canopied trees (not palms) suitably located within the site, ie, not over slab. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
- k. Location of easements within the site and upon adjacent sites (if any).*
- l. 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.

116. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.

117. 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.

118. *In order to reduce the amount of stormwater generated by the site, porous paving shall be used in all pedestrian pathways not over slab. Details are to provided with the construction certificate application.*
119. *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.*
120. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
121. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
122. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stencilled 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.
123. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
124. *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.*
125. *All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

Tree Management

126. *The applicant shall submit a total payment of \$220.00 +GST to Council,*
 - a. *Being the cost for Council to supply and install 1 x 75 litre street tree (Sapium sebiferum, Chinese Tallow Tree) on the northern side of the proposed driveway at the completion of all works (\$220.00 +GST)*

The contribution shall be paid into Tree Amenity Income Code R39 at the Cashier on the

Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

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

127. *Approval is granted for the removal of the following trees subject to the planting of 4 x 100 litre broad canopied replacement trees (not palms) within the site, a minimum of two (2) of which are to be located at the western end of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a) One Cyathea cooperi (Tree fern) towards the rear of 72 Perouse Road, close to the common boundary of 74 Perouse,*
 - b) One Cinnamomum camphor (Camphor Laurel) on the northern side of 70 Perouse Road, near the common property boundary of 68 Perouse,*
 - c) One Morus alba (Mulberry Tree) in the rear of 72 Perouse, near the common boundary of 74 Perouse,*
 - d) Two (2) Cyathea cooperi (Tree ferns) in the rear yard of 70 Perouse, close to the common boundary of 72 Perouse,*
 - e) One Salix matsudana 'Tortuosa' (Weeping Willow) towards the rear of 70 Perouse, close to the common boundary of 72 Perouse,*
 - f) Two (2) Ailanthus altissima (Tree of Heaven) at the rear (western) end of the site.*
 - g) One Olea europaea (Olive tree) in the northwest corner of the site.*
128. *The applicant shall be required to ensure the retention and long-term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*
129. *Permission is granted for the selective pruning of overhanging branches from the Acmena smithii (Lillypilly) located in the rear yard of the adjoining property to the north, 68 Perouse, to accommodate construction of the second floor balconies. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*

Tree Protection Measures

130. *In order to ensure the retention of the Acmena smithii (Lillypilly) tree located in the rear yard of 68 Perouse 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) Contiguous bored piers are to be used within a distance of 4 metres from the trunk of this tree for the northern side of the proposed basement carpark. Details of this*

are to be provided with the construction certificate application.

- c. *If any major roots (diameter of 100mm or greater) are to be severed during construction within the area stated above, it 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.*
- d. *A refundable deposit in the form of cash or cheque of \$2,370.00 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>Acmena smithii (Lillypilly)</i>	<i>\$2,370.00</i>
	TOTAL	\$2,370.00

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 have 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.

- 131. *A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$13,000.00 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.*

ADVISORY MATTERS:

- A1. *The applicant is advised that the Construction Certificate plans and specification must*

comply with the provisions of the Building Code of Australia (BCA).

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

- a. Part B1 - Structural provisions*
- b. Part E1 - Fire fighting equipment*
- c. Part E2 - Smoke Hazard Management*
- d. Part E4 - Emergency lighting, exit signs and warning systems*
- e. 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**.*

- A2. *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.

- A3. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

MOTION: (Woodsmith/Hughes) that the application be refused for the following reasons:-

1. the proposed development detrimentally impacts on the amenity and character of the area;
2. the size and impact of the proposed development on the area is not in keeping with surrounding dwellings;
3. the bulk, scale and form of the proposed development in its contemporary nature is out of keeping with the dominant character of the existing developments in the area;
4. the size and impact in the immediate vicinity is not in the public interest, namely its excessive height, both overall and wall heights;
5. the proposed development is unsympathetic with respect to the heritage significance of the area;
6. the loss of heritage values in the conservation area; and
7. the loss of character to the surrounding area. **LOST.**

FURTHER MOTION: (Bastic/Andrews) SEE RESOLUTION.

(Crs Seng, Hughes, His Worship the Mayor, Cr M. Matson, Notley-Smith and Woodsmith requested that their names be recorded as opposed to the resolution.)

**10.11 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
112/2004 - 16 LENTHALL STREET KENSINGTON. (D/0473/2004)**

364

RESOLUTION: (Andrews/Hughes) that Council, as the responsible authority, refuse its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/473/2004 for partial demolition and construction of a two storey addition at the rear of the existing dwelling house, increase the size of the garage and provide a roof top garden to the garage at 16 Lenthall Street Kensington for the following reasons:

1. *the proposal is excessive in height and bulk at the rear of the site and does not comply with Part 4.3 of Development Control Plan: Dwelling Houses and Attached Dual Occupancies as it proposes an external wall height of 5.4m, which is in excess of the 3.5m permitted for buildings or rear additions;*
2. *the proposal has a partial nil north-eastern side setback which is insufficient and does not comply with Part 4.4 of Development Control Plan: Dwelling Houses and Attached Dual Occupancies which requires a minimum of 1.5m;*
3. *the proposal will result in visual and acoustic privacy impacts and does not comply with Part 4.5 of Development Control Plan: Dwelling Houses and Attached Dual Occupancies in relation to the location and treatment of windows and the location of balconies;*
4. *the proposal will result in adverse privacy impacts and does not comply with Part 4.5 of Development Control Plan: Dwelling Houses and Attached Dual Occupancies which requires sill heights of a minimum of 1.5m;*
5. *the proposal does not comply with Part 4.7 of Development Control Plan: Dwelling Houses and Attached Dual Occupancies as it proposes a double garage which extends across 37.7% of the width of the site, which is in excess of the maximum 35% permitted;*
6. *the proposal is contrary to Council's view-sharing objectives and will result in unreasonable impacts in relation to the outlook and district views enjoyed by the resident of Unit 3/18 Lenthall Street, Kensington;*
7. *the proposal will give rise to significant overshadowing due to the loss of morning sun to all of the windows on the northern elevation of Unit 1/18 Lenthall Street on 21 June;*
8. *the proposal is contrary to Part 3.1 of the Draft Development Control Plan: West Kensington Heritage Conservation Area which states that a general height limit of one (1) level applies throughout the Conservation area;*
9. *the proposal is contrary to Part 3.5 of the Draft Development Control Plan: West Kensington Heritage Conservation Area which states that second level additions will usually only be permitted where there is a fall of land away from the street; and*
10. *the proposal is likely to adversely impact on the residential amenity of neighbouring properties (overshadowing, visual and acoustic privacy, outlook and general overbearing impacts) as a result of the excessive height and bulk of the proposed rear addition.*

MOTION: (Andrews/Hughes) SEE RESOLUTION.

**10.12 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
113/2004 - 273-275 ANZAC PARADE, KINGSFORD. (D/0833/2003)**

365

RESOLUTION: (Andrews/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 32 and 33 of the Randwick Local Environmental Plan 1998 (relating to 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 demolition of the existing building and erection of a part-9 storey and part-5 storey mixed retail/commercial and residential development comprising 4 shops, 7 commercial suites, 36 dwellings, and basement and above-ground car parking for 57 vehicles at 273-275 Anzac Parade, Kingsford 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. Advice from the Sydney Airports Corporation Limited, and/or any other relevant body, that no objection is raised, and approval is given, to the building height of the proposed development.*
- 2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) of the external walls, including the northern elevation, linked to coloured elevations are to be prepared and submitted to Council for approval.*
- 3. Details of privacy screens to the north-facing edge of the proposed balconies in the north-eastern corner of the proposed building fronting Anzac Parade to screen overlooking into the adjoining northern property.*
- 4. An amended basement level B2 car park floor plan and section providing for 22 mechanically stacked carspaces.*
- 5. Amended plans for all basement levels and the ground floor showing specific allocation of carparking between the proposed uses as follows:*

<i>USE</i>		<i>REQUIRED PROVISION</i>
<i>Residential</i>	<i>One bedroom dwelling</i>	<i>8 spaces</i>
	<i>Two bedroom dwelling</i>	<i>20 spaces</i>
	<i>Three bedroom dwellings</i>	<i>8 spaces</i>
	<i>Four bedroom dwellings</i>	<i>9 spaces</i>
	<i>Visitor:</i>	<i>9 spaces</i>
<i>Business</i>	<i>Commercial and retail</i>	<i>14 spaces</i>

6. *An amended ground floor plan demonstrating compliance with the following requirements:*

- *The residential recycling bin storage area being redesigned to accommodate a total of 18 x 240 litre bins whilst providing satisfactory access to all bins. It is noted that this may necessitate the size of the bin storage area being increased.*
- *The residential garbage room shall be sized to contain a compactor plus 9 x 240 litre garbage bins. It is noted that the compactor shall be located in an area that is not accessible to residents.*
- *At least 2 x 240 litre residential garbage bins being located in an area that is accessible by residents. This requirement is included to ensure non-recyclable garbage which cannot be put down the chute may still be safely disposed of.*
- *A commercial and retail garbage room (separate from the residential garbage room) which is capable of containing a total of 13 x 240 litre bins whilst maintaining satisfactory access to all bins.*

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

DEVELOPMENT CONSENT CONDITIONS

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA-03B, DA-04, DA-05, DA-06, DA-07, DA-08, DA-09b, DA-10b, DA-11, dated November 2004 and stamped received by Council on 29 November 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. *A new development application shall be submitted for the strata sub-division of the proposed development.*
3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
5. *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.*
6. *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.*
7. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the construction certificate application.*

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

8. *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.*
9. *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.*
10. *All loading and unloading associated with the use or operation of the premises shall be carried out within the designated loading dock.*
11. *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.*
12. *Disabled/wheel-chair access to the shops from the front footpath shall be provided in the form of a mechanical lift as shown in specification and details provided to Council on 9 November 2004.*

13. *Public access to the visitor carparking spaces is to be maintained at all times and in this regard any security gates or roller door shall be located so as to provide unimpeded public access to the visitor carparking spaces, and, if required, an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*

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

14. *In accordance with Council's Section 94 Contributions Plan adopted in 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 \$70092.96 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.*
15. *In accordance with Council's Section 94 Contributions Plan adopted in 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 \$30992.24. 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.*
16. *In accordance with Council's Section 94 Contributions Plan adopted in September 1999 a monetary contribution is to be paid to Council for townscape provision or improvement for an amount of \$34,466.60. 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.*
17. *In accordance with Council's Section 94 Contributions Plan adopted in September 1999 a monetary contribution is to be paid to Council for parking in lieu of on site provision for an amount of \$19,845.00. 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.*
18. *In accordance with Council's Section 94 Contributions Plan adopted in 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.*

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:

19. *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 (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

20. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council prior to a construction certificate being issued for the development, which demonstrates and confirms that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Guidelines, namely the Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance) and relevant Australian Standards.*

The report is to include (but not be limited) to;

- *Noise emission from the proposed development (mechanical ventilation etc);*
- *Noise emission into the proposed development from the surrounding environment;*
- *Road traffic noise intrusion (in accordance with the NSW Environmental Guidelines, Environmental Criteria for Road Traffic Noise and AS3671);*

21. *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.*

22. *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:

23. *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.*
24. *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.*
25. *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.*
26. *Deliveries are restricted and shall not occur between the following hours;*
10.00pm – 7.00am Monday to Saturday (inclusive)
8.00pm – 8.00am Sundays and Public Holidays

27. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*

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:

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

In this regard, the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 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 Environmental Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, in accordance with the relevant provisions of the NSW Environmental Protection Authority's Environmental Noise Control Manual, Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997.

29. *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.*
30. *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:

31. *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.*
32. *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**.*

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

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

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

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

34. *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.

35. *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.*

36. *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.*

37. *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.*

38. *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.*

39. *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.*

40. *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.*
41. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit-outs', in accordance with the requirements of the Environmental Planning & Assessment Act 1979.*

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

42. *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.

43. *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.*
44. *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.***

45. *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.***
46. *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:

47. *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.*
48. *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.*
49. *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.

50. *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.

51. *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.*
52. *A works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
53. *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.*
54. *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.*
55. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from*

8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.

56. *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.*
57. *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.*
58. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

Should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council.

59. *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.

60. *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.*
61. *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.

62. *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.*
63. *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.*
64. *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".*
65. *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.

66. *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.*
67. *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.

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

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment and erosion control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*

- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

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

69. *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

70. *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.*

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

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

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

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

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

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

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

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

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

75. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

76. *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) *\$1000.00 - Damage / Civil Works Security Deposit*

77. *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.*
78. *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:

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

Houston Lane site frontage

- a) *Construct full width concrete heavy duty vehicular crossings and layback at kerb opposite the vehicular entrances to the site. It is noted that the laybacks shall be located on the new kerb alignment (refer to item b below).*
- b) *Construct new kerb and gutter along the full site frontage in Houston Lane except opposite the vehicular entrance and exit points. It is noted that the new kerb shall*

be constructed along the same alignment as the kerb and gutter immediately to the north of the subject property.

- c) Carry out a full depth, minimum 1.5 metre wide, road construction in front of the new kerb and gutter along the full Houston Lane site frontage.*
- d) Construct a new full width concrete footpath along the full site frontage in Houston Lane.*

Anzac Parade site frontage

- a) Remove the redundant concrete vehicular crossings and laybacks along the Anzac Parade site frontage and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification.*
 - b) Reconstruct any damaged sections of kerb and gutter along the Anzac Parade site frontage.*
 - c) Reconstruct the Anzac Parade site frontage in accordance with Council's Urban Design Guidelines for Kingsford Commercial Centre. It is noted that this may include footpath reconstruction along the full site frontage together with seat installations, bins, trees, tree grates and tree guards as required by Council's Landscape Architect.*
 - d) Construct a new double grated kerb inlet pit in front of the development site in Anzac Parade and connect the new pit to the existing underground drainage system in Anzac Parade via a minimum 375 mm diameter rubber ringed reinforced concrete pipeline. The new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD6.*
- 80. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
- 81. 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.*
- 82. 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.*
- 83. The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the*

site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.

84. *A work zone is to be provided in the vicinity of the development site for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*
85. *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.*
86. *The proposed loading dock shall be designed in accordance with AS 2890.2 (2002).*
87. *All service and delivery vehicles shall reverse into the loading dock to facilitate exiting in a forward direction. Traffic controllers/standby persons shall ensure that pedestrian and vehicular traffic on Houston Lane are appropriately managed whilst the reversing operations are being undertaken.*
88. *The applicant shall, at no cost to Council dedicate a minimum of 1.2 metre wide strip of land along the full site frontage in Houston Lane for road widening purposes.*
89. *There shall be no portion of the development (excluding approved street level awnings) encroaching over the property boundaries.*

The submitted plans show the provision of an outdoor seating area (in conjunction with Shop 4), encroaching onto Council's footpath. Should the applicant wish to use Council's footpath adjacent to the property alignment for outdoor footpath seating, then the applicant shall submit a separate Development Application, for consideration of this proposal. The plans submitted for the construction certificate shall be amended to show all dining areas being located wholly within the property.

90. *The minimum clear distance from the existing footpath in Anzac Parade to the underside of the proposed awning (or any attached signage) shall be 2.6 metres.*
91. *All new awnings shall be set back a minimum of 0.6 metres from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
92. *All awnings shall be of uniform width across the site frontage. The plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.*

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

93. *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 as follows:*

- *In Anzac Parade – 2.5 % above the top of the top of the existing kerb along the full site frontage*
- *In Houston Lane – 150mm above the invert of gutter along the full site frontage.*

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

94. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
95. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1673 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.*
96. *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.*

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

97. *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.*
98. *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.*
99. *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.*
100. *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.*
101. *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:

102. Should groundwater be encountered during excavation works on the site, the applicant shall obtain a temporary dewatering license from DIPNR prior to any dewatering activities being undertaken.

Protection from flooding

103. The floor level of habitable and storage areas (excluding the small portion of shop 4 which is shown on drawing DA-03b as being at footpath level) shall be at a minimum RL of 26.83 (AHD) or suitably waterproofed up to this same level.

104. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the determined 1 in 100 year flood level.

105. All sections of the access ramps/stairs to the retail tenancies; the lobby area and retail tenancy 4, which area located below RL 26.83 (AHD) shall be constructed using materials that will not be adversely affected by flooding/stormwater inundation.

106. There are to be no electrical connections nor the storage of any goods which may be affected by stormwater below RL 26.83 (AHD) within the access ramps/stairs to the retail tenancies, the lobby area and front portion of retail tenancy 4.

107. Prior to a construction certificate being issued for the proposed development, a restriction to user shall be attached to the title of the subject development which prohibits the storage of any goods, plant or equipment and the installation of any floor coverings, wall coverings and fixtures (including electrical connections) that may be adversely affected by stormwater inundation, below RL 26.83 (AHD) within the access ramps/stairs to the retail tenancies, the lobby area and front portion of retail tenancy 4.

108. All doors, walls, fences, windows etc on the ground floor level along the Alison Road site frontages shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the

development will not be structurally damaged in manner that could endanger lives during the PMF event.

External Drainage works

109. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Anzac Parade via a new kerb inlet pit. The new kerb inlet pit shall be connected to the existing kerb inlet pit located to the north of the subject development site via a new 375 mm diameter, spigot and socket, rubber ringed jointed, steel reinforced concrete pipeline (RRRCP).*
110. *The new kerb inlet pit shall be constructed in general accordance with Council's standard drawing SD6.*
111. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter 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.*
112. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
113. *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).*
114. *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

115. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*

- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
116. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
117. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.*
118. *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 to facilitate infiltration.*
119. *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.*
120. *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.*

121. *Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. The "restriction on the use of land" 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. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*

122. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*

123. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*

124. *The maximum depth of ponding in above ground detention areas shall be as follows:*

- e) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
- f) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
- g) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

Notes:

- It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.*
- Mulch/bark must not be used in onsite detention areas*

125. *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).

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

127. *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.

128. *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.*

129. *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 in accordance with the following requirements:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- 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/s (Mascot GMS multipurpose filter screen or equivalent).*
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- A sign adjacent to the pit stating:*

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

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

130. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*

131. *Any absorption trenches/infiltration pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

132. *Three covered car washing bays shall be provided for this development.*

- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system.*
 - 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 bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - e) *A water tap shall be located adjacent to the car washing bays.*
133. *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);*
 - *Details of any infiltration/absorption systems; and*
 - *Details of any pumping systems installed (including wet well volumes).*
134. *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.*
135. *As the above site may be present within a fluctuating water table 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 the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement*

of the ground water through the development site).

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

136. *The residential recycling bin storage area shall be sized to accommodate a total of 18 x 240 litre bins whilst providing satisfactory access to all bins.*
137. *The residential garbage room shall be sized to contain a compactor plus 9 x 240 litre garbage bins. It is noted that the compactor shall be located in an area that is not accessible to residents.*
138. *At least 2 x 240 litre residential garbage bins shall be located in an area that is accessible by residents at all times. This requirement is included to ensure non-recyclable garbage which cannot be put down the chute may still be safely disposed of.*
139. *The commercial and retail waste room (separate from the residential garbage room) shall be sized to contain a total of 13 x 240 litre bins whilst maintaining satisfactory access to all bins.*
140. *The chute room and residential, commercial and retail bin storage areas shall be clearly sign posted.*
141. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*
142. *A caretaker is to be employed on an ongoing basis to manage the waste systems as described in the waste management plan (prepared by Elephant's Foot Waste Compactors P/L and dated 1 October 2003 for Max Sgammotta Architects and received 22 November 2004) submitted as part of the development application.*

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

143. *The landscaped areas shown on the plan prepared by Wallman Partners Pty Ltd, Landscape Architects, project number 03:7:5, drawing number L1, dated July 2003 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
 - a. *A site plan at an appropriate scale showing existing site boundaries, existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, 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 trees on 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, lighting details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. The landscape plan shall show a minimum number of 5 x 75 litre sized specimens located within the site. The species selected shall be capable of attaining a minimum height of 4 metres at maturity.*
 - h. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*
- 144. 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.*
- 145. The applicant shall submit a landscape design for the Anzac Parade street frontage of the development in accordance with Council's Urban Design Guidelines for the Kingsford Commercial Centre. The landscape design may include pavements, seat and bin installations, trees, tree grates and tree guards as required by Council's Landscape Architect – 9399 0786.*

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

The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works.

The applicant may elect to use his contractor for the required works, subject to Council approval, however a design checking and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of \$2,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade site frontage.

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

147. *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

148. *The applicant shall submit a total payment of \$391.60 to Council,*

- a. *Being the cost for Council to supply and install 1 x 100 litre street trees (*Platanus x hybrida*, Plane Tree) along the Anzac Parade street frontage at the completion of all works (\$356 + GST). The street tree shall be installed towards the northern end of the site (in the area where no awnings are proposed).*

The contribution shall be paid into Tree Amenity Income Code R39 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

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

Tree Protection Measures

149. *In order to ensure the retention of the *Platanus x hybrida* (London Plane Tree) on the Anzac Parade footpath, immediately north of the site in good health, the following measures are to be undertaken:*

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

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

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

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

- d. *Any excavations required for footings, structures, services, pipes, stormwater infiltration systems, paving etc within 3 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- f. *A refundable deposit in the form of cash or cheque of \$1,710.00 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>Platanus x hybrida (London Plane Tree)</i>	<i>\$1,710.00</i>
	TOTAL	\$1,710.00

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.

150. *A refundable deposit in the form of cash or cheque or bank guarantee for the amount of \$10,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine*

maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.

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

ADVISORY MATTERS:

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

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

- 2. The applicant is 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 C3 - Protection of openings*
- b) Part D1 - Provisions for escape*
- c) Part D3 - Access for people with disabilities*
- d) Part E1 - Fire fighting equipment*
- e) Part E2 - Smoke Hazard Management*
- f) Part E4 - Emergency lighting, exit signs and warning systems*
- g) Part F2 - Sanitary and other facilities*
- h) Part F4 - Light and ventilation*

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

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

11. PETITIONS.

11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS OBJECTING TO THE PROPOSED PLAYGROUND FOR DUNNINGHAM RESERVE. (98/S/1173 xr 98/S/2438)

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

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS DALEY, ANDREWS, SULLIVAN, WHITE AND TRACEY. – WORKS COMMITTEE MEETING, TUESDAY, 7TH DECEMBER, 2004 – ITEM 5.2 - MAYOR'S MINUTE 100/2004 – EXPANSION OF GREENING RANDWICK COMMITTEE. (F2004/07359)

MOTION: (**Sullivan/Andrews**) that the resolution passed at the Works Committee Meeting held on Tuesday, 7th December, 2004, reading as follows:-

“That Council notes the relevant resolutions from both the Kensington and the Moverly Precinct Committees and resolves that:

- a) The membership of the Greening Randwick Committee be expanded to include three community representatives;
- b) The Kensington Precinct Committee's request for Mr Mark O'Carroll to be a community representative be referred to the Greening Randwick Committee for consideration; and
- c) All precinct committees be advised of the decision and be requested to nominate other suggested community representatives.”

be and is hereby rescinded. **LOST.**

12.2 BY COUNCILLOR SULLIVAN – NEW YEAR'S EVE FIREWORKS AT COOGEE BEACH. (98/S/1318 XR 98/S/0178)

367 **RESOLUTION:** (*Hughes/Notley-Smith*) that Council stage a fireworks display for families on New Year's Eve at Coogee Beach at 9.30 p.m. and vote the sum of \$5,000 from the Contingency Fund 2004/05.

MOTION: (**Sullivan/Andrews**) that Council stage a fireworks display for families on New Year's Eve at Coogee Beach, and that Council seek to supplement the cost by way of corporate sponsorship.

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

12.3 BY COUNCILLOR SULLIVAN – DISABLED ACCESS RAMP AT CLOVELLY BAY. (98/S/1005 XR 98/S/0178)

368 **RESOLUTION:** (*Notley-Smith/Woodsmith*) that:

- a) *it be noted that the General Manager has arranged for immediate temporary disabled access to the ramp in Clovelly Bay;*

- b) *Council notes that Randwick City Council is the only Council in the Eastern Suburbs to provide access for persons with a disability to its beaches; and*
- c) *Council notes the Mayor's exhaustive efforts to have these works completed.*

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

MOTION: (Sullivan/Andrews) that:

- a) Council receive an immediate report as to the delays in repairing the disabled access ramp at Clovelly Bay; and
- b) Council's General Manager arrange for immediate temporary access, as well as the urgent completion of the permanent works.

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

(The Mayor again assumed the Chair.)

12.4 BY COUNCILLOR SULLIVAN – BANNERS IN RANDWICK CITY. (98/S/2311 XR 98/S/0178)

369 **RESOLUTION: (Notley-Smith/Hughes)** *that this Council commends the Mayor and the designer on their initiative in relation to the display of festive banners throughout the City.*

MOTION: (Sullivan/Andrews) that Council commends the Mayor on his about-face in relation to the display of banners throughout the City.

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

12.5 BY COUNCILLOR SULLIVAN – REMOVAL OF GRAFFITI – (R/0091/04 XR 98/S/0178)

370 **RESOLUTION: (Notley-Smith/Woodsmith)** *that in light of the information provided by the General Manager to Council, this Council notes the Mayor and General Manager's initiative and intention to introduce a cost effective graffiti removal programme to be implemented in early 2005.*

MOTION: (Sullivan/Andrews) that the initiative of graffiti removal for residential properties (in addition to business and public buildings) in the City of Randwick be implemented as a matter of priority.

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

12.6 BY COUNCILLOR HUGHES – OVERSEAS STUDENTS' PROGRAMME. (F2004/07648 XR 98/S/0178)

371 **RESOLUTION: (Hughes/Procopiadis)** *that:*

- a) *Council establish the Welcome Overseas Students' pilot programme as outlined by Councillor Hughes in the background document circulated prior to, and tabled at, this meeting;*

- b) *Council allocates \$3,500 from Council's Contingency Fund to fund the pilot programme;*
- c) *Council's Multicultural Advisory Committee be given authority to guide the development and implementation of this pilot programme;*
- d) *Council's Community Services staff undertake the development and implementation of the pilot programme, as determined by the Multicultural Advisory Committee; and*
- e) *A report on the effectiveness and value of the Welcome Overseas Students' pilot programme be brought back to the March 2005 or April 2005 meeting of Council to allow determination as to whether this programme could be expanded and conducted annually.*

MOTION: (Hughes/Procopiadis) SEE RESOLUTION.

12.7 BY COUNCILLOR NOTLEY-SMITH – RIGHT-OF-WAY 33 HAROLD STREET, MATRAVILLE. (R/0361/02 XR 98/S/0178)

- 372 **RESOLUTION: (Notley-Smith/Sullivan)** *that the General Manager report to the next meeting of Council on the circumstances surrounding the closure of the public right-of-way at 33 Harold Street, Matraville and detail Randwick City Council's involvement in the closure.*

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

12.8 BY COUNCILLOR NOTLEY-SMITH – TODMAN AVENUE, ROUNDABOUT. (R/0724/02 XR 98/S/0178)

- 373 **RESOLUTION: (Notley-Smith/Kenny)** *that the Traffic Committee investigate and recommend methods of slowing the speed of traffic which is approaching and passing through the roundabout on Todman Avenue at the intersection of Kensington Road.*

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

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORTS.

Nil.

15. COMMITTEE-OF-THE-WHOLE.

Nil.

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

Nil.

17. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 9.52 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22ND FEBRUARY, 2005.

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CHAIRPERSON