

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 7<sup>TH</sup> DECEMBER, 2004 AT 6:52 P.M.**

**PRESENT:**

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

Councillor T. Seng (Central Ward) (Chairperson)

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

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Acting Director Assets & Infrastructure Services	Mr. T. McCarthy.
Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

The meeting was adjourned at 6.53 p.m. & was resumed at 7.09 p.m.

**1. APOLOGIES.**

Nil.

**2. MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 9<sup>TH</sup> NOVEMBER, 2004.**

H96 **RESOLUTION:** *(White/Andrews) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 9<sup>th</sup> 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.*

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

Nil.

**RESOLVED: (Notley-Smith/Kenny)** that the meeting be adjourned at 7.11 p.m. and be further adjourned at 8.23 p.m.

### **4. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.**

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

#### **SPEAKERS LIST – HEALTH, BUILDING & PLANNING COMMITTEE MEETING TUESDAY, 7<sup>TH</sup> DECEMBER, 2004**

##### **5.1 MAYOR’S MINUTE 99/2004 – BOTANY BAY AND CATCHMENT ALLIANCE “NO PORT EXPANSION VIDEO DVD.**

For Ms Linda Newnam Botany Bay & Catchment Alliance.

##### **5.2 MAYOR’S MINUTE 101/2004 – SYDNEY BODY ART CHARITY BIKE RIDE.**

For Mr Jake Lloyd-James C/-ABC, 700 Harris Street, Ultimo.  
Chief Organiser

##### **6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT’S REPORT 98/2004 - 38 CLIFFBROOK PARADE, CLOVELLY.**

The Objector Ms Robyn Katz 3/3 Lowe Street, Clovelly.

The Applicant Mr Tom Vanovac 35 Buckingham Street, Surry Hills.

##### **6.2 DEVELOPMENT APPLICATION REPORT - 159-171 ANZAC PARADE & 1 LORNE AVENUE, KENSINGTON.**

The Objector Mr Gary Reinhard 11 Roma Avenue, Kensington.

The Applicant Mr Tony Alexandrou 16 Cottenham Avenue, Kensington.

##### **6.3 DEVELOPMENT APPLICATION REPORT - 219 STOREY STREET MAROUBRA.**

The Applicant Mr James Kennedy 219 Storey Street, Maroubra.

##### **6.4 DEVELOPMENT APPLICATION REPORT - 28 ARCADIA ST COOGEE.**

The Objector Mr Sam Bashir 143 Arden Street, Coogee.

The Applicant Mr Michael Heenan 59 Buckingham Street, Surry Hills.

(Note: The Objector to Item 6.1 was running late and spoke at this stage of the Meeting.)

**6.5 DEVELOPMENT APPLICATION REPORT - 330 ANZAC PARADE, KENSINGTON.**

The Applicant Mr Alec Cameron Deputy Vice Chancellor - Uni of N.S.W.

**6.6 DEVELOPMENT APPLICATION REPORT - 24 BROOME STREET, MAROUBRA.**

The Objector Mr Geoff Hayes 22 Broome Street, Maroubra.

**6.7 DEVELOPMENT APPLICATION REPORT - 4 WILSON STREET, MAROUBRA.**

The Applicant Mr Max Sgammotta Level 1, 166 Maroubra Road, Maroubra.

**6.8 DEVELOPMENT APPLICATION REPORT - 9-15 WILLIAM STREET, RANDWICK.**

The Objector Mr Kenneth Finn 25 Pelican Street, Sydney

The Applicant Mr Eugene Shaw Level 1, 4 Cross Street, Double Bay.

**6.9 DEVELOPMENT APPLICATION REPORT - 98-104 BEACH STREET COOGEE.**

The Objector Mr Alex Burak 29 Arcadia Street, Coogee.

**7.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 99/2004 RANDWICK CITY PLAN - HERITAGE REVIEW AND DRAFT HERITAGE LEP AND HERITAGE DCP.**

The Objector Ms Margery Whitehead 10 Inglethorpe Avenue, Kensington.

The meeting was resumed at 8.46 p.m.

**5. MAYORAL MINUTES.**

**5.1 MAYORAL MINUTE 99/2004 – BOTANY BAY AND CATCHMENT ALLIANCE “NO PORT EXPANSION” VIDEO/DVD. (F2004/06758)**

H97 *RESOLUTION: (His Worship the Mayor, Cr M. Matson) that the General Manager informs the Botany Bay and Catchment Alliance (BBACA) that Council agrees to waive the fee for a public meeting in either the Randwick Town Hall or the Vonnie Young Auditorium to facilitate community debate on the proposed Port Botany expansion and that further, he be delegated to finalise the venue and date.*

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

**5.2 MAYORAL MINUTE 101/2004 – THE FIRST ANNUAL SYDNEY BODY-ART RIDE. (98/S/0740)**

H98 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that Council:**

- a) *Informs Sydney Body Art Ride (SBAR) of its support for the First Annual Sydney Body-Art Ride, contingent on:*
  - i) *The generation of a Traffic Management Plan to be submitted to the Traffic Committee for inter-agency approval;*
  - ii) *The submission of an application for relevant approvals under Section 68 of the Local Government Act;*
  - iii) *That the Mayor or his representative be given the opportunity to address the event; and*
- b) *Authorises the General Manager to:*
  - i) *Approve the event with appropriate conditions; and*
  - ii) *Grant requests for financial assistance of up to \$3,000.00 for the event, such funds to be allocated from the Contingency Fund 2004/2005.*

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

## **6. DEVELOPMENT APPLICATIONS.**

### **6.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 98/2004 - 38 CLIFFBROOK PARADE, CLOVELLY. (D0447/2004)**

H99 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Hughes) that this application be deferred to the next Ordinary Council Meeting to allow the primary objector, Ms Robyn Katz to comment on the amended plans.**

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

### **6.2 DEVELOPMENT APPLICATION REPORT - 159-171 ANZAC PARADE & 1 LORNE AVENUE, KENSINGTON. (DA 1026/2002)**

H100 **RESOLUTION: (Sullivan/Notley-Smith) that:**

- A. *Council as the responsible authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to vary Development Consent No. 1026/02 for permission to erect student accommodation with retails and commercial areas and basement car parking, at 159-171 Anzac Parade & 1 Lorne Avenue, Kensington as follows: -*

***That Condition No. 1 is amended to read:***

- 1. *The development must be implemented substantially in accordance with the plans numbered DA01, DA04, DA06-10, DA14 and DA22 Revisions A dated 18 June 2003 and DA05 Revision A dated 13 June 2003 and received by Council on 19 June 2003, DA12 and DA13 Revision B dated 8 July 2003 and received by Council on 8 July 2003, and DA11 Revision C, dated 22 July 2003 and DA02 and DA03, dated 23 July 2003 and received by Council on 24 July 2003, the application form and on any supporting*

information received with the application, the Section 96 plans dated September 2003, numbered DD-A-02 Revision A and DD-A-03 Revision C and received by Council on the 10 March 2004, the Section 96 application form and on any supporting information received with the application, except as may be amended by the plans submitted with the Section 96 Application numbered S96-A-05 to S96-A-07, Revision A, dated December 2003 and received by Council on 7 June 2004, only in so far as they relate to the modifications highlighted on the Section 96 plans, detailed in the Section 96 application form and on any supporting information received with the application, except as may be amended by the plans submitted with the Section 96 Application numbered Project No. P128.2 and drawing numbers S96-A-01 to S96-A-03, Revision A, dated September 2004 and received by Council on 17 September 2004, only in so far as they relate to the modifications highlighted on the Section 96 plans, detailed in the Section 96 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:

**That the following conditions are added:**

179. 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 the provision or improvement of open space	\$2,732.00
b) for the provision or improvement of community facilities	\$1,208.00
c) for townscape improvements (residential component)	\$5,862.00
d) Administration fee	\$ 425.00

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

180. The roof terrace is to be reduced in size to have a maximum width of 3 metres measured from the face of the western external wall of the Unit B5.01 to align to the existing western edge of the southern end of the terrace. The remaining roof area is to be non-trafficable and may be landscaped with self maintaining planter boxes or removed from the area approved for use as a terrace by placement of barriers such as balustrading. The area of terrace outside the stairwell is also to be made non trafficable and may be landscaped with self maintaining planter boxes so that the trafficable area of roof is a rectangle with dimensions of 11 metres by 3 metres.

This condition is imposed to protect the acoustic and visual privacy of surrounding residential areas. Details required by this condition are to be included on drawings submitted with an amended Construction Certificate.

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

### **6.3 DEVELOPMENT APPLICATION REPORT - 219 STOREY STREET MAROUBRA. (DA 1159/03)**

H101 **RESOLUTION: (Andrews/White) that:**

- A. Council's original determination of Development Application No.1159/03 dated 11 May 2004 for alterations & additions to the existing dwelling house at 219 Storey Street Maroubra, be rescinded.
- B. 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.1159/03 for alterations & additions to the existing dwelling house at 219 Storey Street Maroubra, subject to the following conditions:-
1. The development must be implemented substantially in accordance with the plans numbered 03.213A, dated November 2003 and received by Council on the 7<sup>th</sup> June 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.
3. The colour and texture of the brickwork is required to match, as closely as possible, the existing external walls of the building.
4. The design and colour of the roof tiles to the proposed building/s are required to match, as closely as possible, the material and colour of the existing roof.

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

5. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.
6. External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.

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

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

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

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

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

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

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

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

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 works, the person having the benefit of the development consent must: -*
  - i) *appoint a Principal Certifying Authority for the building work; and*
  - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance*

*with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*

- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

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

- 14. 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.*

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

- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
- name, address and telephone number of the Principal Certifying Authority; and*



- *a statement stating that “unauthorised entry to the work site is prohibited”.*
16. *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.*

17. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*

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

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

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

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

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

18. *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.*

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

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

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

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

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

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

20. *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.*
21. *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”.*
22. *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.*
23. *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.*
24. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council’s Manager of Environmental Health and Building Services.*

25. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
26. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
27. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
28. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written 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.*
29. *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*
30. *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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:***

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

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

#### **6.4 DEVELOPMENT APPLICATION REPORT - 28 ARCADIA ST, COOGEE. (D0713/2004)**

H102 **RESOLUTION:** (*Daley/Andrews*) that:

- A. *Council support the objection under SEPP1 to vary the provisions of Clause 32 & 33 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. *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 Demolish the existing dwelling and construct a four storey multi unit development comprising of 4x3 bedroom apartments, basement car parking for 9 vehicles including storage areas and associated strata subdivision at 28 Arcadia St Coogee subject to the following conditions:-*

**DEFERRED COMMENCEMENT CONDITION**

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

1. *The overall height of the proposed building shall be lowered so that it does not exceed RL52.80 (excluding lift overrun). This may be achieved through a combination of further excavation and deletion of the roof sky lights.*

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

**DEVELOPMENT CONSENT CONDITIONS**

*Subject to compliance with the deferred commencement condition, to the satisfaction of the Director of Planning & Community Development, development consent is granted under Section 80 & 80A of the Environmental Planning & Assessment Act, 1977, subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the plans numbered DA 3 101 Issue G, DA 3 202 Issue G, DA 2 300 Issue G, dated Job number 04 009 undated 27 August and 11 November 2004, strata subdivision plans surveyors reference 76199.03. L01 through to L05 submitted 13 September 2004, dilapidation report prepared by Rickard Hails Moretti P/L Ref 04-0019-180804 28 Arcadia St submitted 27 August 2004, unnumbered, undated plans submitted 2/11/04 detailing basement layout and faxed details of the structural integrity of the retaining wall dated 5/11/04 by Henry Young, the application form and on any supporting information received with the application, except as may be amended by the following conditions and the amendments approved pursuant to the deferred commencement condition, and as may be shown in red on the attached plans*
2. *The colours, materials and finishes of the external surfaces to the building shall be in accordance with the sample board undated and unnumbered received by Council on 27 August 2004.*

3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *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.*
5. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
6. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
7. *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.*
8. *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.*
9. *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. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*
10. *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.*

#### **SECTION 94:**

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

11. *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 the provision or improvement of open space*                      \$8196.00

- b) for the provision or improvement of community facilities \$3624.00
- c) 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.*

- 12. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
- 13. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
- 14. *Power supply and telecommunications cabling to the development shall be underground.*
- 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. *Lighting shall be provided throughout the common area for pedestrian safety however shall not be fitted so as to cause nuisance to neighbouring properties.*
- 17. *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.*
- 18. *The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.*

*Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.*

*A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.*

*The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issuing an occupation certificate or release of the subdivision linen plan, as applicable.*

19. *Kitchen windows shall have a minimum sill height of 1600mm to provide restricted sightlines to neighbouring properties. Details shall be submitted as part of an application for a construction certificate.*
20. *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.*
21. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*
22. *A formal subdivision application is required to be submitted to and approved by the Council and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.*
23. *Mailboxes shall be provided to the site in accordance with Australia Post guidelines.*

**PARKING:**

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

24. *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.*
25. *Public access to the visitor's carparking spaces is to be maintained at all times and 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 conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:***

26. *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.*

27. *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.*

28. *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.*
29. *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.*
30. *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.*
31. *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.*

32. *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:*



33. *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.***

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

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

*A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.*

35. *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.*

36. *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.***

37. *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:***

38. *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.*

39. *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.*
40. *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.*

41. *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.*

42. *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.*

43. *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.*
44. *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.*
45. *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.*
46. *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.*
47. *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.*
48. *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.*

49. *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.*

50. *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.*
51. *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.*
52. *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".*
53. *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.*

54. *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.*

55. *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.*

56. *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.*

57. *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*

58. *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.*
59. *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:***

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

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

61. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

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

### ***Security Deposit Conditions***

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

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

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

*The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council (and receipt of the consulting engineers post-construction dilapidation report for the retaining wall) to demonstrate that no damage has occurred to the Council assets and that all civil works (as conditioned in this development consent) have been completed. 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, retaining wall 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:*

63. *The applicant must meet the full cost for a Council approved contractor to:*
64. *Construct a full width concrete heavy duty vehicular crossing and layback opposite the vehicular entrance to the site together with associated contiguous pile retaining walls and guard rails as required. It is noted that the vehicular crossing shall include integral kerb and gutter on either side of the crossing together with a pedestrian walkway along the western side of the driveway access (as detailed on the unnumbered Level 0 plan submitted to Council on the 2/11/2004).*
65. *Construct a concrete pedestrian bridge (with appropriate safety fencing) adjacent to the property boundary over the new vehicular access.*

66. *Remove the existing asphalt footpath from along the full site frontage and construct a new concrete footpath either side of the pedestrian bridge. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
67. *Repair/reconstruct any damaged sections of Council's roadway along the full site frontage.*
68. *Repair/reconstruct any damaged sections of the retaining wall (extending 15 metres either side of the site boundaries) located along the Arcadia Street frontage.*
69. *Extend the existing council stormwater pipeline from the kerb inlet pit located on the southern side of Arcadia Street (immediately to the east of the driveway accessing 90-96 Beach Street) in a westerly direction up to be in line with the eastern boundary of the subject site frontage. It is noted that this may include reinstating the roadway and kerb and gutter over the new pipeline.*
70. *Construct a new kerb inlet pit on the southern side of Arcadia Street (in front of eastern boundary of the subject development site) at the end of the stormwater extension referred to above.*
71. *Construct a new kerb inlet pit on the northern side of Arcadia Street immediately to the east of the proposed vehicular access and connect this pit to the new kerb inlet pit on the southern side of Arcadia Street via a new 375 mm diameter rubber ringed reinforced concrete pipeline.*
72. *The contiguous pile retaining walls and pedestrian bridge shall be designed by a suitably qualified structural engineer who shall carry out inspections during construction of the wall and footbridge and certify on completion that the wall and footbridge have been constructed in accordance with their design requirements. A copy of the structural engineer's certification shall be forwarded to Council prior to the issuing of an occupation certificate for the development.*

***It is noted that the contiguous pile wall constructed along the front property boundary shall be designed to be structurally independent of the earth support in front of the wall so that if the ground is excavated back to the property boundary at any time in the future, the stability of the retaining wall will not be undermined. The structural engineer shall certify that the wall is built and constructed in accordance with this requirement.***

73. *The applicant shall contact Council's Asset and Infrastructure Service department on 9399 0923 to obtain guide lines for construction of the vehicular access and footpath on Council property.*

*A copy of the driveway, retaining wall and footbridge design and structural details are to be submitted to Council's Asset & Infrastructure Services prior to the issuing of a construction certificate for the development.*

74. *The applicants consulting structural (and/or geotechnical) engineer shall inspect and monitor the condition of the retaining wall throughout all excavation and construction works to ensure that the wall does not suffer any damage. The consulting engineer shall amend construction and/or excavation techniques if required.*



75. *The applicants consulting structural (and/or geotechnical) engineer shall undertake a dilapidation survey of the retaining wall (extending 15 metres either side of the site boundaries) on completion of the works and certify that the retaining wall has not deteriorated/experienced any damage over the excavation and construction phase of the development. A copy of the dilapidation report and engineering certification shall be forwarded to Council prior to the issuing of an occupation certificate.*
76. *Prior to the issuing of a construction certificate, the applicant shall submit to Council a bond or unconditional bank guarantee to the value of \$10,000 as a security deposit to ensure the stability and structural integrity of the retaining wall in the vicinity of the subject development site for a period of 12 months from the date of issue of an occupation certificate.*

*Such bond/ bank guarantee may be refunded/released (after the 12 months defects liability period) upon the applicant providing Council with a dilapidation report of the retaining wall (extending 15 metres either side of the site boundaries) and an accompanying statement from the structural engineering confirming that the condition of the retaining wall has not deteriorated/experienced any damage from the commencement of work on the site through to the end of the defects liability period.*

77. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's retaining wall, 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.*
78. *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 to undertake the works on Council property shall be submitted to Council (together with the required civil works application fee) at completion of the internal building works.*

*Note: A design checking and supervision fee in relation to the works on Council's property will be charged to the applicant.*

79. *The driveway opening at the Arcadia Street frontage shall be constructed in general accordance with the unnumbered and undated A4 Level 0 plan received by Council on the 2/11/2004.*
80. *A work zone is to be provided in Arcadia Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

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

81. *There shall be no construction equipment driven in any areas where the equipment would place additional loads on Council's retaining wall. At a minimum, no*

*construction equipment shall be driven over, or placed on, council's verge between the property boundary and the top of the retaining wall.*

82. *Pedestrian access to 30 Arcadia Street shall be maintained at all times during construction. It is noted that the pedestrian access arrangements shall include temporary access stairs (with appropriate guard rails) being provided from in front of the adjoining property (30 Arcadia Street) down to street level with provision being made for the temporary storage of bins beneath the stairs on Council's property. It is the responsibility of the applicant to ensure that the stairs are suitably constructed (in accordance with the relevant Australian Standards) and maintained to ensure that they do not pose as a safety hazard to pedestrian and/or vehicular traffic at any time.*

*The temporary stairs shall be provided until such time as the basement access driveway and top slab have been poured and safe pedestrian access is available to the public along the site frontage.*

*Details of the proposed temporary pedestrian access arrangement shall be submitted to the certifying authority (and Council if Council is not the certifying authority) for approval prior to the issuing of a construction certificate.*

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

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

83. *The Council's Department of Asset & Infrastructure Services have inspected the above site and have determined that the design alignment levels (concrete/paved/tiled level) at the property boundary in Arcadia Street shall be as follows:*
- *For the proposed vehicular access – shall be at RL 35.60 (AHD) as shown on the submitted plans.*
  - *For the proposed level 1 pedestrian access ramp – shall match the back of the existing footpath along the Arcadia Street site frontage.*

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

84. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
85. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$445.80 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:**

86. *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.*
87. *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.*
88. *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.*
89. *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.*
90. *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](http://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 works***

91. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Arcadia Street.*

*To facilitate this connection, the applicant shall meet the full cost for the following*

*external drainage works:*

92. *Extend the existing council stormwater pipeline from the kerb inlet pit located on the southern side of Arcadia Street (immediately to the east of the driveway accessing 90-96 Beach Street) in a westerly direction up to be in line with the eastern boundary of the subject site frontage;*
93. *Construct a new kerb inlet pit on the southern side of Arcadia Street (in front of eastern boundary of the subject development site) at the end of the stormwater extension referred to in part a) above; and*
94. *Construct an additional kerb inlet pit on the northern side of Arcadia Street immediately to the east of the proposed vehicular access and connect this pit to the new kerb inlet pit on the southern side of Arcadia Street via a new 375 mm diameter pipeline.*

*The site discharge pipeline shall be connected into the new kerb inlet pit located on the northern side of Arcadia Street.*

95. *The new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
96. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
97. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
98. *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.*
99. *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).*

### ***Internal Drainage***

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

*drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
  - 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 Arcadia Street.*
  - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
    - i. *Roof areas*
    - ii. *Paved areas*
    - iii. *Grassed areas*
    - iv. *Garden areas*
  - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
  - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
  - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
101. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
  102. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
  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:-*

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

105. *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.*

106. *One covered car washing bay shall be provided for this development.*

- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*

- b) *The car washing bay must be located outside any required/approved stormwater detention system.*
  - c) *The car washing bay must be signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
  - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
  - d) *A water tap shall be located adjacent to the car washing bay.*
107. *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:*
108. *Finished surface levels on the site (including contours at 0.2 metre intervals);*
- a) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes; and*
  - b) *Details of any pumping systems/infiltration systems installed.*
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. *Should seepage water and/or groundwater be encountered within the depth of the basement excavation, the basement carpark (level 0) shall be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

**Notes:-**

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

### ***Waste Management Conditions***

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

112. *The garbage room shall be sized to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycle bins) whilst providing satisfactory access to these bins.*
113. *The garbage room 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.*
114. *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 development.*
115. *The garbage bins shall be presented for collection on the footpath area immediately behind the splay corner located on the western side of the vehicular access to the site.*

### ***Landscape Conditions***

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

116. *The landscaped areas shown on the plan (Landscape Planting Plan) shall be the subject of detailed landscape drawings and specifications, which are to be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
  - a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

*The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.*
  - b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
  - c. *A planting schedule listing all plants by botanic & common names, plant*



*numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. The landscape plan shall show the provision of a continuous decorative hedge, using a minimum pot size of 25 litres at the time of planting, along the length of the western boundary of the site. The species selected shall be one that can either be reasonably maintained (ie clipped or hedged), or one that will attain a maximum height of 3 metres at maturity.*

*The landscape plan shall show the provision of a continuous decorative hedge, using a minimum pot size of 25 litres at the time of planting, along the length of the eastern boundary of the site. The species selected shall be one that can either be reasonably maintained (ie clipped or hedged) or one that will attain a maximum height of 3 metres at maturity.*

- h. 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.*
  - i. 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.*
- 117. 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.*
- 118. 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.*
- 119. 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***

120. *Approval is granted for the removal of the following trees subject to the planting of 2 x 100 litre broad canopied replacement trees (not palms) within the deep soil zone on the western boundary. The species selected shall be such that they will not impact on views from the adjoining property to the north, and as such, the species selected must be planted in area where they will not exceed RL 53.15 (AHD) upon maturity.*

*One Melaleuca armillaris (Honey myrtle) located along the eastern boundary of the front of the front of the site.*

*One Melaleuca species (Paperbark) located along the eastern boundary of the front of the front of the site.*

*One Schefflera actinophylla (Umbrella Tree) located along the eastern boundary of the rear of the site.*

*One Olea europaea (Common Olive) located along the eastern boundary of the rear of the site.*

*One Olea europaea (Common Olive) Olive located along the western boundary of the rear of the site.*

*Three Phoenix canariensis (Canary Island Palms) located along the northern boundary of the site appear to be in average condition.*

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

122. *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 dripline/s of the subject tree/s.*

123. *A refundable deposit in the form of cash or bank cheque for the amount of \$4000 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 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.*

*A2 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*
- e) Part E1 - Fire fighting equipment*
- f) Part E2 - Smoke Hazard Management*
- g) Part E4 - Emergency lighting, exit signs and warning systems*
- h) Part F2 - Sanitary and other facilities*

*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.*

**PROCEDURAL MOTION:** (His Worship the Mayor, Cr M. Matson) that this application be deferred to allow Council officers to discuss with the applicant the possibility of narrowing the building to meet the 4 metre average side setbacks and to ascertain whether the applicant is willing to amend the plans accordingly. **LOST.**

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

(Crs Matson & Notley-Smith requested that their names be recorded as opposed to the resolution.)

**6.5 DEVELOPMENT APPLICATION REPORT - 330 ANZAC PARADE, KENSINGTON. (D/0667/2004)**

H103 **RESOLUTION:** *(Sullivan/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 0667/2004 for the demolition of an existing dangerous goods store, northern sandstock brick wall and Block House annex in the University of NSW (UNSW) campus, removal of trees, construction of a new four-level purpose built facility for the Faculty of Law including basement plant and storeroom and narrowing of Union Road, at 330 Anzac Parade, Kensington, subject to the following conditions:-*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered A-002, A-003, A-011, A-100, A-101, A-102, A-103, A-104, A-105, A-106, A-301, A-302, A-310, and A-311, Revision A, dated June 2004, received by Council on 13 August 2004, the application form, and on any supporting information received with the application, any plans, specifications, report, study or information submitted in relation to the deferred commencement conditions and any conditions of approval of any plan specification report or study, 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 external colours, materials and finishes of the proposed development shall be in accordance with the sample board details and elevations prepared by Lyons Architects, submitted to and received by Council on 13 August 2004.*
3. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
4. *Power supply and telecommunications cabling to the development shall be underground.*
5. *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.*
6. *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.*
7. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
8. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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

9. *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.*
10. *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).*
11. *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.*
12. *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:***

13. *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.*
14. *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.*
15. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*
16. *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.*
17. *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:***

18. *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.*
19. *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.*
20. *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.*
21. *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.*
22. *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.*
23. *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.*
24. *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).*

25. *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.*
26. *The principal contractor 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.*
27. *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.*
28. *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.*
29. *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.*
30. *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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:***

31. *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.*
32. *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 potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.*
33. *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.*

34. *A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.*
35. *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 demonstrates that damage should not occur to any adjacent structures as a result of the works.*
36. *Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the construction certificate.*
37. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the 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:***

38. *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.*
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. *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.*
41. *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.*
42. *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.*
43. *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.*
44. *All building, demolition and associated site works must only be carried out between the*



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

45. *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.*
46. *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.*
47. *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.*
48. *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.*
49. *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 first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction 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.*
50. *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.*
51. *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.*
52. *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".*

53. *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.*
54. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
55. *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.*
56. *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.*
57. *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.*
58. *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.*
59. *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.*

60. *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.*

61. *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.*

62. *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.*

63. *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.*

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

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

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

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

66. *A separate application must be submitted to and approved by Council for the Place of Public Entertainment within the premises, in accordance with section 68 of the Local Government Act 1993, prior to commencing any public entertainment.*
67. *It is a condition of approval to use or permit the use of a building or part as a Place of Public Entertainment that the provisions of Schedule 1 of the Local Government (Approvals) Regulation 1999 are complied with.*
68. *The Place of Public Entertainment must be registered with the Council prior to occupation and on an annual basis. Council's registration/inspection form is to be*

*completed by the proprietor and together with the appropriate fee, is to be forwarded to the Council, prior to the issuing of any occupation certificate.*

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

69. *A parking and transport strategy, as required by the variation to the adopted Master Plan for the UNSW campus, shall be prepared and submitted to Council within one year of the date of determination of the Development Application No. 667/2004 for the proposed Law Building. The strategy shall include an integrated approach for managing the traffic and parking impacts within and around the UNSW campus.*
70. *The temporary carpark proposed in DA 668/2004 must be constructed and available for use prior to an occupation certificate being issued for DA 667/04 unless the University of NSW can demonstrate to the satisfaction of Council that 109 additional parking spaces are available on campus whilst the temporary carpark is being constructed.*
71. *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.*
72. *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.*
73. *The proposed narrowing of union road and construction of a shared zone shall be designed by a suitably qualified traffic engineer.*
74. *All construction traffic shall be accommodated on-site.*

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

75. *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](http://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 commencement of*

*work on the site.*

*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:***

76. *All stormwater runoff from the proposed law building and surrounds (for all storms up to and including the 1 in 100 year storm event), shall be collected and conveyed through a new pipe system to the Village Green detention basin. It is noted that the drainage system shall be designed in general accordance with the details supplied in correspondence from the UNSW dated 3 November 2004.*
77. *Percolation via chambers/infiltration pits shall be provided in the village green detention basin to offset the effect of directing the additional flows into the detention areas and to ensure that the depth of ponding and rate of outflow from the detention area are not increased. This work shall be completed prior to occupation of the law building.*
78. *All overland flows (for storms up to the 1 in 100 year event) currently flowing down Union Road, shall be intersected upstream of the law building and diverted to the Village Green detention area as detailed in the memorandum from Roger Andrews dated 1 November 2004. This work shall be undertaken prior to the commencement of work on the law building.*
79. *All new floor areas shall be a minimum of 300 mm above any adjoining overland flow or stormwater ponding depths (or suitably protected from stormwater up to this same level).*
80. *Prior to commencement of work on the site, engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared in general accordance with the details contained in the memorandum from Roger Andrews dated 1 November 2004 (and accompanying documentation ). A copy of the engineering calculations and plans are to be forwarded to Council. The drawings and details shall include the following information:*
  - a) *A detailed drainage design supported by a catchment area plan 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 and the connection into the village green detention area.*
  - d) *The separate catchment areas within the site, draining to each collection point or surface pit.*
  - 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.*
- 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.*
81. *All stormwater currently draining to and/or through the subject development site (including piped flows) 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.*
82. *The village green detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
83. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
84. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
85. *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.*

86. *A sediment/silt arrester pit (or gross pollutant traps such as CDS units or equivalent) must be provided prior to the site stormwater discharging by gravity to the village green detention/infiltration area.*

*Should a sediment/silt arrester pit be provided to satisfy the above requirement, it 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.*

87. *Suitable bunding is to be provided around the perimeter of the property, where required, to direct all stormwater to the village green detention area via the new piped system.*
88. *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.*
89. *Prior to an occupation certificate being issued for DA 667/04, 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 include details of :*
  - a. *Percolation/infiltration pit details*
  - b. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
  - c. *Details of any pumping systems installed (including wet well volumes).*
90. *Prior to an occupation certificate being issued for DA 667/04, the applicant shall submit to 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.*
91. *As the above site may be present within a fluctuating water table, the basement structure shall be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard.*

**Notes:-**

- a) *Any subsoil drainage is to be disposed of within the UNSW 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 (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 landscaping and to maintain reasonable levels of environmental amenity:***

92. *The landscaped areas shown on the plan number F8-800-001-DA to F8-800-004-DA, Revision A, job number 0148, drawn by RL/JB and dated 20 July 2004 shall be the subject of detailed landscape drawings and specifications, which are to be prepared prior to the commencement of landscaping work on the site. A copy of the plans shall be forwarded to Council for record purposes. 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), features on adjoining sites within 6 metres of the site (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. 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, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, lighting, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

- g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*
- h. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- 93. *The landscaping shall be installed in accordance with the approved documentation prior to occupation of the development and shall be maintained in accordance with those plans.*
- 94. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 95. *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.*
- 96. *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***

- 97. *Approval is granted for the removal of the following trees subject to the planting of 2 x 100 litre broad canopied replacement trees (not palms) in this area of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
  - a. *Four (4) Ficus microcarpa var. 'Hillii' (Hills Weeping Figs) along the southern side of the brick wall.*
  - b. *Four (4) Eucalyptus microcorys (Tallowoods) along the western side of the carpark.*
  - c. *Three rows comprising a total of nineteen (19) Populus deltoides (Poplars) in the centre islands of the carpark.*
  - d. *A stand of several Banksia integrifolia (Coastal Banksia's) near the southeast corner of the carpark*
  - e. *A row of three (3) Eucalyptus microcorys (Tallowoods) towards the northeast corner of the site.*
- 98. *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.*

### ***Tree Protection Measures***

99. *In order to ensure the retention of the Ficus rubiginosa (Port Jackson Figs), Ficus macrophylla (Moreton Bay Figs) and six (6) Populus deltoides (Poplars) located on the southern side of the existing brick wall which separates the carpark and mall walkway in good health, the following measures are to be undertaken:*

a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*

b. *The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located as per plan F8-800-001-DA.*

*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 and no stockpiling of soil or rubble.*

*Any works required within this zone shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.*

d. *Any excavations required for footings, structures, retaining walls, stormwater infiltration systems, paving etc within 4 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

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

#### **ADVISORY MATTERS:**

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

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) | <i>Part B1</i>     | - | <i>Structural provisions</i>              |
| b) | <i>Part C1</i>     | - | <i>Fire resistance and stability</i>      |
| c) | <i>Part C2</i>     | - | <i>Compartmentation and separation</i>    |
| g) | <i>Part D1</i>     | - | <i>Provisions for escape</i>              |
| h) | <i>Clause D1.2</i> | - | <i>Number of exits required</i>           |
| j) | <i>Clause D1.4</i> | - | <i>Exit travel distances</i>              |
| k) | <i>Clause D1.5</i> | - | <i>Distance between alternative exits</i> |

- p) Part E1 - Fire fighting equipment
- q) Part E2 - Smoke Hazard Management
- r) Part E3 - Lift Installations
- s) Part E4 - Emergency lighting, exit signs & warning systems

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

**6.6 DEVELOPMENT APPLICATION REPORT - 24 BROOME STREET, MAROUBRA. (D/0562/2001)**

H104 **RESOLUTION: (Daley/White) that:**

- a) *Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. 562/2001 by providing new terraces to each dwelling at rear first level with privacy screens for property at 24 Broome Street, Maroubra, for the following reason:*
  - i) *The proposed new rear first floor terraces do not comply with the objectives, performance requirements and preferred solutions of Part 4.5 Visual and Acoustic Privacy of Development Control Plan for Dwelling Houses and Attached Dual Occupancies in that the terraces will adversely impact on the amenity of the immediate adjoining neighbouring residents in terms of visual privacy.*

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

**6.7 DEVELOPMENT APPLICATION REPORT - 4 WILSON STREET, MAROUBRA. (DA500/2002)**

H105 **RESOLUTION: (Bastic/Andrews) 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. 500/2002 to provide access to the rooftop by extending the lift shaft and stairwell by up to 1.8m, remove a window from the southern wall in the kitchen, remove steel framed pergola to the eastern elevation and replace glass blocks with obscure glass panels to the southern elevation on property 4 Wilson Street, Maroubra in the following manner:**

***The following condition is altered to read as follows;***

1. *The development must be implemented substantially in accordance with the plans numbered DA 2002 01/DA 01, 02/DA 02, DA03, DA04, DA05, DA07, DA08, dated March 2002 and received by Council on 27 May 2002, the application form and on*

*any supporting information received with the application, as amended by the Section 96 plans dated Oct 2004 and received by Council on 20 October 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: (Bastic/Andrews) SEE RESOLUTION.**

**6.8 DEVELOPMENT APPLICATION REPORT - 9-15 WILLIAM STREET, RANDWICK. (D646/2004)**

H106 **RESOLUTION: (Andrews/Daley) that:**

- A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 32 (1) and Clause 33 (2) and (4) of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum floor space ratio and building heights respectively on the grounds that the proposed development complies with the objectives of the clauses 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 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 646/2004 for Demolition of existing buildings and the construction of a four storey multi-unit housing development containing 25 dwellings and basement parking for 38 cars at 9-15 William Street, Randwick subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA04, DA06, DA07, DA08, DA09, DA10, DA11, DA12 and DA15, all Issue A, dated 22/10/2004 and received by Council on 25/10/2004; DA16, Issue B dated 28/10/2004 and received by Council on 29/10/2004; and DA05, Issue C dated 12/11/2004 and received by Council on 12/11/2004, 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. *Balconies located on the southern elevation of the front building facing William Street shall be deleted to ensure an appropriate level of privacy to dwellings on the northern elevation of No. 17 William Street and doorways accessing these balconies shall be reconfigured as windows. Details demonstrating compliance shall be shown on plans submitted with the construction certificate application.*
3. *Balconies located on the northern elevation of the front building facing William Street shall have privacy screens to a height of 1.5m above the balcony floor incorporated into their design to ensure an appropriate level of privacy to dwellings on the*



15. *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.*
16. *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.*
17. *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.*
18. *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.*
19. *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.*
20. *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.*
21. *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.*
22. *The fence on the street alignment is to be a maximum height of 1.8m and be designed so that the upper two thirds of the fence is at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.*
23. *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:***

24. *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.*
25. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
26. *The carpark in the development, must incorporate the provision of:*
  - a) *Not less than 38 car parking spaces allocated at the following rates:- i) residential 30, ii) visitors 6*

*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:***

27. *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.*
28. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

*Details of compliance with the requirements for insulation are to be included in the construction certificate application.*
29. *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.*
30. *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.*
31. *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 have 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:**

32. 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 the provision or improvement of open space	\$34,918.46
b) for the provision or improvement of community facilities	\$15,438.24
c) Administration fee \$425.00	\$ 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.

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

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

34. 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).

35. 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).

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

37. 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:***

38. *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).*

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. *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:***

41. *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.*

42. *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.*

43. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council prior to the commencement of works.*

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

***amenity to the area:***

44. *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).*

45. *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.*
46. *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:***

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

49. *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**.*
50. *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:***

51. *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.*

52. *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.*

53. *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.*

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

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

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

55. *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.*

56. *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".*

57. *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.*

58. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*

*Where the work is to be done by a licensed contractor, excavation or building work*

*must not be carried out unless the Principal Certifying Authority (PCA):*

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

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

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

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

59. *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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:***

60. *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.*
61. *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 potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.*

*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.*

62. *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 demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.*

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

63. *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 (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon: all of the premises adjoining the subject site.*

*The report is to be supported with photographic evidence of the status and condition 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**.*

64. *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**.*

65. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the 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:***

66. *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.*
67. *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".*
68. *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.*

69. *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.*

70. *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.*

71. *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.*

72. *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.*

73. *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.*

74. *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.*

75. *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 first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction 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.*
76. *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.*
77. *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".*
78. *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.*
79. *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.*

80. *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.*

81. *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.*

82. *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.*

83. *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.*

84. *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.*

85. *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.*

86. *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.*

87. *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.*
88. *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.*
89. *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 ensure that reasonable levels of fire safety are provided in the building:***

90. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia 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.*

*Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.*

***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:***

91. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

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

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

92. *The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:*
- a) \$5000.00 - *Damage / Civil Works Security Deposit*

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

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

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

93. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
- b) *Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
- c) *Construct concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
94. *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.*
95. *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.*

96. *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.*
97. ***Prior to the issue of the construction certificate, the applicant shall submit longitudinal sections through the driveway entrance to the B1 carpark that demonstrate all ramp grade transitions (including the transition at the property boundary) being in accordance with the requirements of AS 2890.1 (2004).***
98. *A work zone is to be provided in William Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

*It is noted that the requirement for a 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:***

99. *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:*
- ***150mm 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.*

100. *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.*
101. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,188.00 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to*

*be paid prior to a construction certificate being issued for the development.*

102. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

103. *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.*
104. *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.*
105. *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.*
106. *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.*
107. *The applicant shall meet the full cost of the overhead power lines located along the William Street site frontage to be bundled. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be bundled. The bundling is to be to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*
108. *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](http://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 plan of subdivision.*

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

109. *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.*
  - 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.*



110. *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.*
111. *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.*
- 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.*
112. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
113. *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.*
114. *A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

*Notes:*

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

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

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

117. *The maximum depth of ponding in above ground detention areas shall be as follows:*
- a) *150mm in carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)*
  - b) *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)*
  - c) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
  - d) *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*

118. *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).*

119. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
120. *Stormwater pipes shall be located in accessible locations.*
121. *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.*

122. *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.*

123. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
124. *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.*
125. *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.*
126. *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).*
127. *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.*
128. *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/under the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
129. *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:**

130. *The recycling room shall be sized to contain a total of 13 x 240 litre bins whilst providing satisfactory access to these bins.*
131. *The garbage room shall be designed to contain a compactor plus and an additional 7*

x 240 litre bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority prior to the issuing of a construction certificate.

**Note: The garbage compactor area is to be separated from the common garbage bin area via a locked door to ensure it is not accessible to the general public. A caretaker/cleaner shall be employed to manage the compactor.**

132. 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.
133. 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 arrangements, post construction. **It is noted that the waste management plan shall outline the responsibilities of the caretaker/cleaner in regard to the use and operation of the compactor.**

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

134. The landscaped areas shown on the sheet number LSK 01, job number 04.720, drawn by Greenplan and dated 06.08.04 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority (PCA) prior to the issue of a construction certificate. If Council is not the PCA for the site, the applicant will still be required to forward a copy of the approved plans prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:
- a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas. The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
  - b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
  - c. Deletion of *Araucaria columnaris* (Cooks Pine) from the proposed tree

*planting schedule. This species is to be replaced with a more suitably sized alternative.*

- d. Deletion of the Jacaranda mimosifolia (Jacaranda) proposed for immediately north of the proposed driveway due to line of sight issues for vehicles exiting the proposed driveway.*
  - e. 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.*
  - f. 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.*
  - g. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
  - h. Sectional elevations through the site showing the existing and proposed ground lines, building elevations, and mature height of proposed planting.*
  - i. The landscape plan shall show a minimum number of 12 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
  - j. 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.*
  - k. 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.*
  - l. In order to reduce the amount of stormwater generated by the site, as well as to recharge the groundwater, porous paving shall be used in all pedestrian pathways not over slab. Details are to be provided with the construction certificate application.*
  - m. Location of easements within the site and upon adjacent sites (if any).*
- 135. 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.*
- 136. 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.*

137. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

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

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

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

140. *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***

141. *The applicant shall submit a total payment of \$704.00 to Council,*

- a. *Being the cost for Council to supply and install 2 x 75 litre street trees (Jacaranda mimosifolia, Jacaranda's), to the north of the existing Jacaranda (identified as tree number 2 to be retained on the landscape plan) at the completion of all works (\$640.00 + 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.*

142. *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.*

### **Tree Protection Measures**

143. *In order to ensure the retention of the two (2) Eucalyptus species (Gum trees) in the rear yard of the adjoining property to the east, close to the common boundary in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. *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 within the driplines of these trees.*

*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.*

- c. *Any excavations required for footings, structures, retaining walls 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*

144. *In order to ensure the retention of the two (2) Jacaranda mimosifolia (Jacaranda's), on Council's William Street nature strip (identified as tree numbers 1 & 2 to be retained on the landscape plan) in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. *The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunk.*

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

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

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

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

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

#### ***Advisory Matters***

*146. 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.*

#### ***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 C1 - Fire resistance and stability*
- c) Part C2 - Compartmentation and separation*

- |    |            |   |  |
|----|------------|---|--|
| e) | Part C3.11 | - | Protection of door openings                      |
| p) | Part E1    | - | Fire fighting equipment                          |
| q) | Part E2    | - | Smoke Hazard Management                          |
| s) | Part E4    | - | Emergency lighting, exit signs & warning systems |
| t) | Part F1    | - | Damp and weatherproofing                         |
| w) | Part F4    | - | Light and ventilation, in particular to car park |
| x) | Part F5    | - | Sound Transmission and Insulation                |

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

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

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

**MOTION: (Woodsmith/His Worship the Mayor, Cr M. Matson)** that Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 646/2004 for Demolition of existing buildings and the construction of a four storey multi-unit housing development containing 25 dwellings and basement parking for 38 cars at 9-15 William Street, Randwick as the FSR and height of the building are excessive. **LOST.**

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

## **6.9 DEVELOPMENT APPLICATION REPORT - 98-104 BEACH STREET COOGEE. (D/600/1997)**

H107 **RESOLUTION: (Sullivan/Notley-Smith)** that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No D/600/1997 to extend the hours of operation of the existing restaurant to 8am to 11pm seven days a week, at 104 Beach Street Coogee for the following reasons:

1. *The proposed extended hours of operation are likely to give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Regulations.*
2. *An acoustic report, as required by Condition 4 of Development Consent No. 448/2002, has not been submitted.*

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

## **7. MISCELLANEOUS.**

### **7.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 99/2004 - RANDWICK CITY PLAN - HERITAGE REVIEW AND DRAFT HERITAGE LEP AND HERITAGE DCP. (98/S/3186)**

H108 **RESOLUTION:** (*Notley-Smith/Daley*) that Council:

1. *Resolve to place the draft Randwick City Local Environmental Plan (Amendment No.39) on public exhibition in accordance with the Environmental Planning & Assessment Act, 1979 and Regulation, 2000;*
2. *Resolve to place the draft Development Control Plan – Heritage on public exhibition in accordance with the Environmental Planning & Assessment Act, 1979 and Regulation, 2000;*
3. *Note that the exhibition be in accordance with the Best Practice Guidelines published by the (then) Department of Urban Affairs and Planning (January 1997) titled “LEPs and Council Land – Guideline for councils using delegated powers to prepare LEPs involving land that it or was previously owned or controlled by council”; and*
4. *Agree that the Director, Planning and Community Development may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors if required, in preparation for public exhibition of the draft plans.*

**MOTION:** (**Bastic/Andrews**) that this matter be deferred for further community consultation before Council endorses the draft plans. **LOST.**

**MOTION:** (**Tracey/Woodsmith**) that Council:

1. Endorse the draft Randwick City Local Environmental Plan (Amendment No.39) to be placed on public exhibition in accordance with the Environmental Planning & Assessment Act, 1979 and Regulation, 2000;
2. Endorse the draft Development Control Plan – Heritage to be placed on public exhibition in accordance with the Environmental Planning & Assessment Act, 1979 and Regulation, 2000;
3. Note that the exhibition be in accordance with the Best Practice Guidelines published by the (then) Department of Urban Affairs and Planning (January 1997) titled “LEPs and Council Land – Guideline for councils using delegated powers to prepare LEPs involving land that it or was previously owned or controlled by council”; and
4. Agree that the Director, Planning and Community Development may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors if required, in preparation for public exhibition of the draft plans.

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

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

<b>For</b>	<b>Against</b>
Belleli	Andrews
Hughes	Bastic
	Daley

Kenny  
His Worship the Mayor, Cr M. Matson  
Nash  
Notley-Smith  
Seng  
Tracey  
Woodsmith

Procopiadis  
Sullivan  
White

**8. GENERAL BUSINESS.**

Nil.

**9. NOTICE OF RESCISSION MOTIONS.**

Nil.

The meeting closed at 9.58 p.m.

.....  
CHAIRPERSON