

**MINUTES OF ORDINARY COUNCIL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY 22<sup>ND</sup> FEBRUARY, 2005 AT 6:15 P.M.**

**PRESENT:**

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

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

North Ward	-	Crs J. Kenny, Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 7.36 p.m.) & T. Seng

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director Asset & Infrastructure Services	Mr. J. Frangoples.
Director Planning & Community Development	Ms. S. Truuvert.
Director Governance, Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.

**IN ATTENDANCE:**

Mauritius Ministry of Planning, Housing & Land	Ms. K. Koo
Mauritius Ministry of Planning, Housing & Land	Mr. R. Phul
Mauritius Ministry of Planning, Housing & Land	Mr. R. Khorougdharry

**1. COUNCIL PRAYER**

The Council Prayer was read by Councillor D. Sullivan.

**2. APOLOGIES.**

Nil.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 14<sup>TH</sup> DECEMBER, 2004.**

- 4 **RESOLUTION: (Notley-Smith/Belleli)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 14<sup>th</sup> December, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 27<sup>TH</sup> JANUARY, 2005.**

- 5 **RESOLUTION: (Notley-Smith/Kenny)** that the Minutes of the Extraordinary Council Meeting held on Tuesday, 27<sup>th</sup> January, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

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

- (a) Cr Nash declared a Non-Pecuniary interest in Item No. 10.5, Director Planning & Community Development's Report 6/2005 - 1599-1601 Anzac Parade, La Perouse as his grandfather is an objector to the development.

**RESOLVED: (Matson/Notley-Smith)** that the meeting be adjourned at 6.18 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

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

1. Mr Tony Cartmer, 86 Eastern Avenue, Kingsford on Item 8.3, Director Asset & Infrastructure Services' Report 6/2005 and Item 6.4, Mayor's Minute 21/2005 - Consideration Of Council Position Of Proposed Off Ramps From Southern Cross Drive To Gardeners Road.
2. Mr David Riddell, PO Box 6151, Malabar on Item 8.5, Director Asset & Infrastructure Services' Report 8/2005 - Prince Henry Hospital Site - Street Naming Proposal.
3. Mr Mark England, 4/138 Beach Street, Coogee on Item 8.6, Director Asset & Infrastructure Services' Report 9/2005 - Proposed Policy on "Resident Requests for Special Verge Crossings" and "Nature Strip Plantings".
4. Mr Martin Urakawa, 64 Brenan Street, Lilyfield on Item 10.3, Director Planning & Community Development's Report 4/2005 - 68-76 Wentworth Street, Randwick
5. Mr Sean Gillen, 6 Grosvenor Street, Kensington on Item 10.4, Director Planning & Community Development's Report 5/2005 - 8-10 Grosvenor St Kensington.
6. Mr Cesare Di Veroli, 68 Oxford Street, Woollahra on Item 10.4, Director Planning & Community Development's Report 5/2005 - 8-10 Grosvenor St Kensington.
7. Mr Anthony Betros, 5G/108 Bronte Road, Bondi Junction on Item 10.5, Director Planning & Community Development's Report 6/2005 - 1599-1601 Anzac Parade, La Perouse.
8. Ms Anne-Maree Weaver, 530 Anzac Parade, Kingsford on Item 12.3, Motion Pursuant to Notice by Councillor Nash – Unlawful Erection and Removal of Posters.
9. Ms Helen Deegan, 166 Paine Street, Maroubra on Item 12.5, Motion Pursuant to Notice by Councillor Sullivan – Improvements at the Spot.
10. Ms Anne-Maree Weaver, 530 Anzac Parade, Kingsford on Item 12.10, Motion Pursuant to Notice by Councillor Procopiadis – Community Notice Boards.
11. Mr Robert Norman, 98 Ferguson Street, Maroubra on Item 12.11, Motion Pursuant to Notice by Councillors Bastic & Andrews – 2005/06 Council Budget Items.

The meeting was further adjourned at 7.00 p.m. and was resumed at 7.31 p.m.

**PROCEDURAL MOTION: (Nash/Daley)** that a speaker be permitted to speak on Item 10.6, Director Planning & Community Development's Report 7/2005 - 1 Duke Street, Randwick.

The meeting was adjourned at 7.32 p.m. and resumed at 7.36 p.m.

12. Mr Ronald Coleman, 1 Duke Street, Kensington on Item 10.6, Director Planning & Community Development's Report 7/2005 - 1 Duke Street, Randwick.

**6. MAYORAL MINUTES.**

**6.1 MAYOR'S MINUTE 15/2005 - WAIVING OF FEES - SOUTHSIDE ELIMINATIONS - SURFING NSW. (F2004/07550)**

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

- a) *Council vote \$855.00 to cover the fees associated with the Southside Eliminations Surfing event to be held at Maroubra Beach on the 7th and 8th May, 2005, and funds be allocated from the Contingency Fund 2004/05;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

**6.2 MAYOR'S MINUTE 19/2005 – BANNING CAMERA SHOTS AND FILMING AT DRAC. (F2004/06639)**

7 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that Council place the Draft Policy on Procedures For Dealing With Use of Mobile Phone Cameras, Still and Video or Film Cameras at DRAC (Des Renford Aquatic Centre) on public exhibition (including referral to the Local Government and Shires Associations) for 30 days and that any submissions received be forwarded to a future meeting of the Council.**

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

**AMENDMENT: (Daley/Sullivan) that:**

- (a) the existing protocol be immediately suspended and that Council officers, who are charged with the supervision of the D.R.A.C. facility, assess each incident on a case by case basis on the understanding that Council does not invite or tolerate inappropriate behaviour such as that outlined in Mayor's Minute No. 19/2005; and
- (b) Council review the draft policy on procedures for dealing with the use of mobile phone cameras, still and video or film cameras at D.R.A.C and investigate more reasonable and alternative solutions to that outlined in the draft policy. **LOST.**

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

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

**6.3 MAYOR'S MINUTE 20/2005 – MAURITIUS DELEGATION VISIT TO RANDWICK CITY COUNCIL (F2005/00211)**

**(Note: A presentation was made by the Mauritian delegates to the Council.)**

8 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/)* that Council welcome the Mauritian delegates and wish them a successful study tour.

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

**PROCEDURAL MOTION:** *(Sullivan/Andrews)* that items 6.4 & 8.3 be dealt with at Item 8.3. **LOST.**

*(Cr Belleli left the Chamber at this stage.)*

**6.4 MAYOR'S MINUTE 21/2005 – CONSIDERATION OF COUNCIL POSITION ON PROPOSED OFF RAMPS FROM SOUTHERN CROSS DRIVE TO GARDENERS ROAD. (F2004/08216)**

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

1. (a) *this Council calls upon the NSW State Government to undertake an EIS (Environmental Impact Study) into the amenity and environmental impacts to the residents of West Kingsford, Kensington and other areas that will be affected by these proposed ramps.*

(b) *the General Manager writes to the Minister for Roads, Minister for Economic Reform, Minister for Ports, Mr Michael Costa and the Minister for Infrastructure, Planning & Natural Resources, Mr Craig Knowles, advising them of this position, namely that this Council calls on the NSW State Government to conduct an EIS (Environmental Impact Study) into the amenity and environmental impacts to the residents of West Kingsford, Kensington and other areas that will be affected by these proposed ramps.*

*Further, that the results of this EIS are to determine whether ramps are constructed and what mitigating measures are to be implemented to protect the amenity of the community's residential streets.*

2. *The RTA be notified that Council suspends its in principle support for the concept of the Gardeners Road access ramps with Southern Cross Drive and calls for the following actions to be undertaken. That:*
  - a) *The RTA conducts a public meeting as soon as possible to demonstrate the ramification of these ramps on local roads, as committed to by Minister Costa in his letter of 8 February 2005;*
  - b) *The RTA carries out a full EIS or REF (Review of Environmental Factors) and publicly exhibits the REF as soon as possible with a display period of no less than 30 days and wide publicity prior to and during the display period to encourage and facilitate public input, as committed to by Minister Costa in his letter of 8 February 2005;*
  - c) *The RTA investigates the operation of the Kingsford Roundabout and commits to implement measures to simplify this complex intersection;*
  - d) *The RTA commits to investigate a range of options for LATM (Local Area Traffic Management), including “No Left Turn” restrictions from Gardeners Road into the West Kingsford local area for present and future requirements as part of the REF, as committed to by Minister Costa in his letter of 8 February 2005;*
  - e) *The RTA acknowledges that this Council has called for an EIS to be undertaken and it inform the Minister for Roads, Minister for Economic Reform, Minister for Ports, Mr Michael Costa and the Minister for Infrastructure, Planning & Natural Resources, Mr Craig Knowles of this condition of support.*
  - f) *The RTA implements measures in the final design plan to meet BIKEast desires that an accustomed bicycle lane along a shoulder lane on Southern Cross Drive is preserved and improved by:*
    - i) *The shoulder lane being widened to at least 2.5 metres from its current width of 1.4 metres;*
    - ii) *An bicycle underpass being provided at each ramp because of the free flow of traffic proposed along them;*
  - g) *RTA works on State Roads have adversely impacted upon the amenity in the area bounded by Dacey Avenue, Alison Road, Randwick Racecourse, Gardeners Road and Southern Cross Drive, and commits to incorporating measures for mitigating through traffic as part of the new LATM.*
3. *A specialist advisor be engaged to monitor and liaise with the R.T.A. and the community groups, and ensure that the environmental impact assessment process meets both legal requirements and community expectations.*

**MOTION: (His Worship the Mayor, Cr M. Matson)** that the recommendation contained in the Mayor’s Minute 21/2005 be adopted.

**AMENDMENT: (Procopiadis/Daley)** that:

1. (a) this Council calls upon the NSW State Government to undertake an EIS (Environmental Impact Study) into the amenity and environmental impacts to the residents of West Kingsford, Kensington and other areas that will be affected by these proposed ramps.
- (b) the General Manager writes to the Minister for Roads, Minister for Economic Reform, Minister for Ports Mr Michael Costa and the Minister for Infrastructure, Planning & Natural Resources Mr Craig Knowles, advising them of this position, namely that this Council calls on the NSW State Government to conduct an EIS (Environmental Impact Study) into the amenity and environmental impacts to the residents of West Kingsford, Kensington and other areas that will be affected by these proposed ramps.

Further, that the results of this EIS are to determine whether ramps are constructed and what mitigating measures are to be implemented to protect the amenity of our community's residential streets.

2. The RTA be notified that Council suspends its in principle support for the concept of the Gardeners Road access ramps with Southern Cross Drive and calls for the following actions to be undertaken. That:
  - g) The RTA conducts a public meeting as soon as possible to demonstrate the ramification of these ramps on local roads, as committed to by Minister Costa in his letter of 8 February 2005;
  - h) The RTA carries out a full EIS or REF (Review of Environmental Factors) and publicly exhibits the REF as soon as possible with a display period of no less than 30 days and wide publicity prior to and during the display period to encourage and facilitate public input, as committed to by Minister Costa in his letter of 8 February 2005;
  - i) The RTA investigates the operation of the Kingsford Roundabout and commits to implement measures to simplify this complex intersection;
  - j) The RTA commits to investigate a range of options for LATM (Local Area Traffic Management), including "No Left Turn" restrictions from Gardeners Road into the West Kingsford local area for present and future requirements as part of the REF, as committed to by Minister Costa in his letter of 8 February 2005;
  - k) The RTA acknowledges that this Council has called for an EIS to be undertaken and they inform the Minister for Roads, Minister for Economic Reform, Minister for Ports Mr Michael Costa and the Minister for Infrastructure, Planning & Natural Resources Mr Craig Knowles of this condition of support.
  - l) The RTA implements measures in the final design plan to meet BIKEast desires that an accustomed bicycle lane along a shoulder lane on Southern Cross Drive is preserved and improved by:
    - iii) The shoulder lane being widened to at least 2.5 metres from its current width of 1.4 metres;

- iv) An bicycle underpass being provided at each ramp because of the free flow of traffic proposed along them;
- g) That RTA works on State Roads have adversely impacted upon the amenity in the area bounded by Dacey Avenue, Alison Road, Randwick Racecourse, Gardeners Road and Southern Cross Drive, and commits to incorporating measures for mitigating through traffic as part of the new LATM.
- h) Council contributes to the LATM for those areas which are not directly impacted by the ramps but which are subject to significant through traffic in local streets by:
  - i) Developing the LATM plan to include these local streets;
  - ii) Allocating funds for implementation of the developed LATM plan from future budgets over future years.
- 3. A specialist advisor be engaged to monitor and liaise with the R.T.A. and the community groups, and ensure that the environmental impact assessment process meets both legal requirements and community expectations;
- 4. The R.T.A. be requested to consider appropriate traffic management measures in West Kensington (e.g. Lenthall Street) provided bus routes and emergency vehicle access can be accommodated. **LOST.**

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

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

(Note: The Mayor indicated that he used his casting vote against the amendment.)

**FURTHER AMENDMENT: (Hughes/Nash)** that the recommendation in the Mayor’s Minute 21/2005 be adopted and additional part 3 be inserted as follows:

- “3. A specialist advisor be engaged to monitor and liaise with the R.T.A. and the community groups, and ensure that the environmental impact assessment process meets both legal requirements and community expectations.” **LOST.**

**FURTHER AMENDMENT: (Hughes/Woodsmith) SEE RESOLUTION.**

(Crs Sullivan and Andrews requested names be recorded as opposed to the resolution.)

## **6.5 MAYOR’S MINUTE 22/2005 – SACL (SYDNEY AIRPORT CORPORATION LIMITED) MAJOR DEVELOPMENT APPLICATION – CAR PARKING AND**

**COMMERCIAL FACILITIES – INTERNATIONAL TERMINAL PRECINCT.  
(F2004/07971)**

(Cr Belleli returned to the Chamber at this stage.)

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

1. *Council authorise the General Manager to seek urgent legal advice on the question of whether the Commonwealth Government must consider wide ranging and consequential impacts on neighbouring Council areas of the Major Development Application by SACL to construct two 12-level car parks and two nine level commercial structures at Sydney Airport.*
2. *the considered impacts are to include:*
  - a) *The financial impact on commercial interests;*
  - b) *Traffic, noise, environmental and pollution impacts;*
  - c) *Impacts on the ability of neighbouring Councils to participate in achieving the goals of the State Government's proposed Metropolitan Strategy;*
  - d) *Randwick City Council's draft 20-year strategic plan; and*
  - e) *Obligations of the Commonwealth Government or SACL to provide supporting infrastructure such as a mass transit system to service the proposed expansion.*
3. *Adjoining Councils be requested to contribute to the cost of the legal advice.*

**RESOLVED: (PROCEDURAL MOTION) (Notley-Smith/Woodsmith)** that Items 10.1 to 10.6 be dealt with at this stage of the meeting.

**7. GENERAL MANAGERS' REPORTS.**

**7.1 GENERAL MANAGER'S REPORT 2/2005 - SNAPE PARK TENNIS CENTRE TENDER - OPERATION & MAINTENANCE - T027/04. (F2004/08235 xr 98/S/2734)**

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

- a) *the tender from Rosa Game Pty Ltd, for the operation of the Snape Park Tennis Centre be accepted and that Council enter into a lease for twenty years under s19 (1)(a) of the Local Government (Tendering) Regulation 1999;*
- b) *authority is granted for the Common Seal of the Council to be affixed to the agreement between Council and Rosa Game Pty Ltd in relation to the Lease for a part of Snape Park Maroubra, known as the Snape Park Tennis Centre; and*
- c) *the unsuccessful tenderers be advised of the tender result.*

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

**7.2 GENERAL MANAGER'S REPORT 3/2005 - DEC QUARTER REVIEW - 2004/07 MANAGEMENT PLAN (98/S/0555)**



12 **RESOLUTION:** (*Tracey/Procopiadis*) that the information contained in the Report on the December 2005 Quarterly Review – 2004/07 Management Plan be received and noted.

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

**7.3 GENERAL MANAGER'S REPORT 4/2005 - ESTATE LATE HARRIE SYLVIA MARETT (ALSO KNOWN AS TODDS BARRETT). (P/008546)**

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

- a) *Randwick City Council accepts the bequest of the cottage at 6 Barrett Place, Randwick from the estate of the late Harrie Marett;*
- b) *A legal agreement for occupation of the flat be prepared for Ms Morrison; and*
- c) *A report is brought back to Council outlining some options for the maintaining and public exhibition of the memorabilia, as well as an outline of the repairs and maintenance required.*

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

**7.4 GENERAL MANAGER'S REPORT 5/2005 - AFFIXING OF THE COUNCIL SEAL (P/015320, P/003813, P/015621, F2004/07593, P/000915, P/006575, P/004218, P/001615, P/011866, P/002020, P/004172, 98/S/2734, P/003987, P/014776, 98/S/1700, P/003175, P/09652, 98/S/5549)**

14 **RESOLUTION:** (*Notley-Smith/Kenny*) that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and –

1. *Mrs S Cranford (T/As Clodeli Fine Foods Pty Ltd) in relation to a licence for the purpose of outdoor dining at 2/210-212 Clovelly Road, Clovelly.*
2. *Luke Mitchell (T/As Vino Vino) in relation to a licence for the purpose of outdoor dining at 30 St. Pauls Street, Randwick.*
3. *Peter R Cradock (T/As On the Bay Café) in relation to a licence for the purpose of outdoor dining at 59 Bay Parade, Malabar.*
4. *Ann Jackson (T/As Kenso Café) in relation to a licence for the purpose of outdoor dining at 116 Todman Avenue, Kensington.*
5. *Greg Butcher (T/As Marine Café) in relation to a licence for the purpose of outdoor dining at 57 McKeon Street, Maroubra.*
6. *Q F Yan (T/As Hakata Japanese Restaurant) in relation to a licence for the purpose of outdoor dining at 51 McKeon Street, Maroubra.*
7. *Tawar Ishaya (T/As Beach View Cafe) in relation to a licence for the purpose of outdoor dining at 53 McKeon Street, Maroubra.*
8. *Khalil Musleh (T/As Maroubra Seafood) in relation to a licence for the purpose of outdoor dining at 37 McKeon Street, Maroubra.*
9. *Margaret Bellanto (T/As Zebra Cafe) in relation to a licence for the purpose of outdoor dining at 39 McKeon Street, Maroubra.*
10. *Qian Yu Luo in relation to a residential lease agreement for Unit 2, 32 Belmore Road, Randwick.*
11. *Deruli Pty Limited (T/As Zellini's) in relation to a commercial lease agreement for Shops 34-36 & 38 Belmore Road, Randwick.*
12. *New South Wales Land and Housing Corporate in relation to a surrender of lease for*

- 129 Boyce Road, Maroubra.
13. *Mr Waris Marsisno in relation to a residential lease agreement for Unit 2, 20 Silver Street, Randwick.*
  14. *Rodney Sen (T/As Barzura) in relation to a licence for the purpose of outdoor dining at 62 Carr Street, Coogee.*
  15. *Leon Gritzalis (T/As Peter Hamburger Shop) in relation to a licence for the purpose of outdoor dining at 59 Todman Avenue, Kensington.*
  16. *Vaat Schoonvirmoot (T/As Real Thai) in relation to a licence for the purpose of outdoor dining at 170 Maroubra Road, Maroubra.*
  17. *Rosa Game Pty Ltd in relation to a licence for part of Snape Park known as Snape Park Tennis Centre.*
  18. *South Eastern Junior Rugby League Football Club Inc. in relation to a licence for part of Malabar Junction Public Recreation Reserve No. 46319, more particularly known as part of Pioneers Park.*
  19. *Robert Tate (T/As The Clovelly Hotel) in relation to a licence for the purpose of outdoor dining at 381 Clovelly Road, Clovelly.*
  20. *Sam Papallo (T/As Swim Bar & Restaurant) in relation to a licence for the purpose of outdoor dining at 230 Coogee Bay Road, Coogee.*
  21. *The Sunnyfield Association in relation to a licence of part of the HACC facility situated at Suite 4, Office 2, Level 3 of the Bowen Library.*
  22. *The Benevolent Society in relation to a licence of part of the HACC facility situated at Suite 3, Office 2, Level 3 of the Bowen Library.*
  23. *Clovelly Child Care Centre Inc. in relation to a licence of part of the HACC facility situated at Suite 1, Office 2, Level 3 of the Bowen Library.*
  24. *Mr Apipu Jangdonpai (T/As Between Thai Noodle Bar) in relation to a licence for the purpose of outdoor dining at 244 Coogee Bay Road, Coogee.*

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

**7.5 GENERAL MANAGER'S REPORT 6/2005 - PRECINCT COMMITTEES.  
(F2004/08214)**

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

- (a) *the Precinct Co-ordination Committee minutes of 18 November 2004 be noted;*
- (b) *the draft Terms of Reference for the PCC be adopted; and*
- (c) *the draft Precinct Committee Rules and Procedures be adopted.*

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

**7.6 GENERAL MANAGER'S REPORT 7/2005 - WITHDRAWAL OF CAVEAT.  
(D/2004/08663)**

16 **RESOLUTION: (Notley-Smith/Tracey) that authority be granted for the Council's Common Seal to be affixed to the 'Withdrawal of Caveat' form relating to the property at 29 Meagher Avenue, Maroubra.**

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

**7.7 GENERAL MANAGER'S REPORT 8/2005 - PRINCE HENRY AT LITTLE BAY. (F2004/07970)**

17 **RESOLUTION:** *(Notley-Smith/Kenny) that:*

- (a) Council note and agree that the General Manager be authorised to sign the Prince Henry Deed of Agreement on behalf of Council in accordance with delegations (Policy 2.01.04 Ref RL003);*
- (b) Council endorse the Prince Henry Community Centre Performance Brief and recognise that a development in line with the Brief would not be inconsistent with the provisions of the Prince Henry Master Plan; and*
- (c) Council agree to the future dedication of Little Bay Beach to Council and recognise that in doing so it would not be inconsistent with the provisions of the Prince Henry Master Plan.*

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

**7.8 GENERAL MANAGER'S REPORT 9/2005 - COOGEE TENNIS CLUB. (98/S/1246)**

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

- (a) the Eastern Suburbs Tennis Association be offered a lease for 5 years with a 5 year option for the Tennis Centre at Coogee;*
- (b) the rent be set at the market rental with the option to offset maintenance against rent;*
- (c) the lease include an option for the lessee to take a renewed lease for a further term of the same duration if the lessee meets all conditions and covenants of the lease and the Minister approves the renewed lease; and*
- (d) authority be granted for the Council's Common Seal to be affixed to the agreements between Council and the Eastern Suburbs Tennis Association in relation to a lease for the purpose of operating the Coogee Tennis Centre.*

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

**7.9 GENERAL MANAGER'S REPORT 10/2005 - 2004/05 BUDGET - REVIEW AS AT DECEMBER 2004. (98/S/5310-2)**

19 **RESOLUTION:** *(Notley-Smith/Kenny) that:*

- a) the report in relation to the December 2004 budget review be received and noted; and*
- b) the budget variations referred to in paragraph (b) in the report be adopted.*

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

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

**8.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 4/2005 - REQUEST FOR REPRESENTATIVE ON FLOOD PLAIN MANAGEMENT COMMITTEE. (F2005/07209)**

20 *RESOLUTION: (Sullivan/Nash) that Council nominate Cr Procopiadis as the Councillor representing the West Ward as a member of the Floodplain Management Committee.*

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

**8.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 5/2005 - FRENCHMANS BAY RESERVE TOILET BLOCK REFURBISHMENT. (F2004/08315)**

21 *RESOLUTION: (Notley-Smith/Belleli) that acceptance of the tender be deferred and a report be brought to the Works Committee on alternative designs and or locations of the toilet block, design options are to recognise the ever-increasing popularity of Frenchman's Bay and the facilities required to meet that future demand and the report should also outline any potential facilities, the envelope of the building to be offered and the use of directional signage for the facilities.*

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

**8.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 6/2005 - CONSIDERATION OF COUNCIL POSITION OF PROPOSED OFF RAMPS FROM SOUTHERN CROSS DRIVE TO GARDENERS ROAD. (98/S/5326)**

22 *RESOLUTION: (Hughes/Nash) that the contents of the Director Asset & Infrastructure Services' Report 6/2005 be received and noted.*

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

**8.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 7/2005 - RIGHT-OF-WAY AT REAR OF DUNDAS ST PROPERTIES - COUNCIL'S SEAL REQUIRED. (P/015449-01)**

23 *RESOLUTION: (Notley-Smith/Woodsmith) that authority be granted for the Council's Common Seal to be affixed to the documentation necessary to create the Right-of-Way at the rear of properties 10-20 Dundas Street, Coogee, for the usage of properties 10-18 Dundas Street, Coogee.*

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

**8.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 8/2005 - PRINCE HENRY HOSPITAL SITE - STREET NAMING PROPOSAL. (F2004/07140)**

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

24 *RESOLUTION: (White/Belleli) that:*

- a) *Council approve the adoption of Brodie Avenue, Coast Hospital Road, Gubbuteh Road, Ewing Avenue, Harvey Street, Jenner Street, Lister Avenue, Mayo Street, Murra Murra*

*Place, Newton Street, Pavilion Drive and Pine Avenue for the Prince Henry site, at Little Bay;*

- b) Council notify Landcom, Australia Post, the Registrar General and the Surveyor General regarding the adopted road names;*
- c) Council notify Landcom that the private roads "Curie Avenue", "Darwin Avenue", "Gull Street" and "Fleming Street" remain under private jurisdiction;*
- d) Council notify the Registrar General and the Surveyor General regarding its intention to adopt Pine Avenue on the basis that Pine Avenue is in Little Bay and the existing Pine Street is in Randwick;*
- e) Council publish these names in the Southern Courier and the NSW Government Gazette; and*
- f) AH&MRC, PHHTNA and other interested parties be advised of Council's resolution.*

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

**AMENDMENT: (His Worship the Mayor, Cr M. Matson/Hughes)** that consultation on the issue of street names for the site be undertaken and that the General Manager and the Mayor be delegated authority to devise an appropriate community consultation forum to re-visit the matter. **LOST.**

(Cr Matson requested that his name be recorded as opposed to the resolution.)

(The Mayor resumed the Chair.)

**8.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 9/2005 - PROPOSED POLICY ON "RESIDENT REQUESTS FOR SPECIAL VERGE CROSSINGS" AND "NATURE STRIP PLANTINGS". (F2004/07364)**

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

- a) this item be deferred to allow for the redrafting of the proposed Policy to incorporate the feasibility of allowing appropriate plantings in certain median strips, guidelines for those plantings and the nature of the types of plantings which may be suitable; and*
- b) consideration also be given to Council assisting in hardship cases regarding access issues to properties.*

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

**8.7 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 10/2005 - TENDER T029/04 - SUPPLY AND INSTALLATION OF GPT'S. (F2004/08314)**

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

- a) the tenders from Roan Environmental & Civil Construction Pty Ltd, CDS Technologies Pty Ltd and Environmental Solutions (Australia) Pty Ltd for a 5 year term, be accepted*

*for the Supply & Installation Of Gross Pollutant Traps Within Randwick LGA - T029/04 and that Council enter into a contract under clause 19 of the Local Government (Tendering) Regulation 1999;*

- b) authority is granted for the General Manager and the Mayor to sign and affix Council's Common Seal and to enter into contracts on behalf of Council with the tenderers for the Supply & Installation Of Gross Pollutant Traps Within Randwick LGA - T029/04; and*
- c) the unsuccessful tenderers be advised of the tender result.*

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

**8.8 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 11/2005 - FUTURE OF OLD BUS TERMINUS BUILDING, MARINE PARADE - MAROUBRA BEACH. (F2004/07343)**

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

- a) Council undertakes an **Expression of Interest process for Future Use**, as described in the report. The aim of this process would be to establish an acceptable reuse of the Old Bus Terminus Building, Marine Parade, Maroubra Beach;*
- b) the objectors to demolition of the building be informed of Council's intention to retain, and adaptively reuse the building; and*
- c) following the staff evaluation of the Expressions of Interest, a further evaluation panel comprising of the Mayor, the Deputy Mayor and the three (3) Central Ward Councillors further evaluate the Expressions of Interest.*

**MOTION: (Belleli/Nash)** that the recommendation contained in the Report of the Director Assets and Infrastructure Services be adopted.

**AMENDMENT: (Andrews/Bastic)** that:

- a) Council undertakes an Expression of Interest process for Future Use, as described in the report. The aim of this process would be to establish an acceptable reuse of the Old Bus Terminus Building, Marine Parade, Maroubra Beach;
- b) the objectors to demolition of the building be informed of Council's intention to retain, and adaptively reuse the building; and
- c) the further evaluation panel consisting of the Mayor and Central Ward Councillors, further review the matter, after the completion of the staff evaluation process. **LOST.**

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

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

**9.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES'  
REPORT 2/2005 - AMENDMENTS TO CODE OF MEETING PRACTICE.  
(98/S/1738 XR 98/S/1078)**

28 **RESOLUTION:** *(Sullivan/Daley)* that:

- a) *Clause 43 (2) of the Code of Meeting Practice (Policy No. 1.01.02) be amended to read as follows:*

*“The Chairperson may require a Councillor:*

- a) *to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b) above; or*  
b) *to withdraw a motion or an amendment referred to in subclause (1) (c) above and, where appropriate, to apologise without reservation; or*  
c) *to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e) above; and*  
*(Clause 29)*

- d) *to apologise without reservation for an act of disorder (committed at the preceding Council or Committee meetings) for which that Councillor failed to apologise for without reservation when requested by the Chairperson at the time.” (28/2005 - 22/2)*  
*(Policy)*

- b) *Clause 43 (3) of the Code of Meeting Practice be amended to read as follows:*

- a) *A Councillor may, as provided by Section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor under subclause (2) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.*  
*(Clause 29)*

- b) *Prior to any expulsion the Chairperson must adjourn the meeting for a minimum period of five (5) minutes. (28/2005 - 22/2)*  
*(Policy)*

- c) *Upon resumption of the Meeting, and prior to expulsion of a Councillor taking place, the Chairperson shall specify the breach of the Code/reasons for the proposed expulsion and provide an opportunity for the subject Councillor to respond to the alleged breach/reasons for expulsion and provide an opportunity for the subject Councillor to respond to the alleged breach/reasons for expulsion. (28/2005 - 22/2)*

- c) *Clause 55(5) of the Code of Meeting Practice be amended to read “Any matter raised as an item of General Business at a Committee Meeting bear a recommendation that a report on the matter be prepared by the appropriate Officer and the matter be considered, with the report, at the next meeting of the Committee (or the Council, as may be required).” (28/2005 - 22/2)*  
*(Policy)*

- d) *New Clauses be inserted in Clauses 28 & 56 of the Code of Meeting Practice reading as follows:*

***Non-pecuniary Interests***

*“A non-pecuniary interest is to be disclosed, together with the nature of the interest, as soon as practicable following the commencement of the Meeting at the agenda item which facilitates such disclosures.” (28/2005 - 22/2)*

*(Policy)*

e) *The Policy Register be updated accordingly.*

**MOTION: (Notley-Smith/Kenny) that:**

a) Clause 43 (2) of the Code of Meeting Practice (Policy No. 1.01.02) be amended to read as follows:

“The Chairperson may require a Councillor:

- a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b) above; or
- b) to withdraw a motion or an amendment referred to in subclause (1) (c) above and, where appropriate, to apologise without reservation; or
- c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e) above; and
- d) to apologise without reservation for an act of disorder (committed at the preceding Council or Committee meetings) for which that Councillor failed to apologise for without reservation when requested by the Chairperson at the time.”

b) Clause 43 (3) of the Code of Meeting Practice be amended to read as follows:

(a) A Councillor may, as provided by Section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor under subclause (2) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

(b) Prior to any expulsion the Chairperson must adjourn the meeting for a minimum period of five (5) minutes.

c) Clause 55(5) of the Code of Meeting Practice be amended to read “Any matter raised as an item of General Business at a Committee Meeting bear a recommendation that a report on the matter be prepared by the appropriate Officer and the matter be considered, with the report, at the next meeting of the Committee (or the Council, as may be required).”

d) New Clauses be inserted in Clauses 28 & 56 of the Code of Meeting Practice reading as follows:

**Non-pecuniary Interests**

“A non-pecuniary interest is to be disclosed, together with the nature of the interest, as soon as practicable following the commencement of the Meeting at the agenda item which facilitates such disclosures.”

e) The Policy Register be updated accordingly.



**AMENDMENT: (Sullivan/Daley) SEE RESOLUTION.**

**9.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 6/2005 - CODE OF MEETING PRACTICE - TAPE RECORDING OF COUNCIL MEETINGS. (F2004/06570 XR F2005/00173 XR F2005/00175 XR F2005/00176)**

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

a) *Clause 66 of the Council's Code of Meeting Practice (Policy No. 1.01.02) be amended by the insertion of additional paragraphs which read:*

- *“The purpose of tape recording meetings of Council and Committees is to:*
  - 1) *Allow accurate compilation of Minutes of those Meetings and to verify their accuracy upon confirmation of those Minutes;*
  - 2) *To ensure that there is a full and complete record of what transpires at Meetings which is available to Councillors, staff and members of the public who have an interest in knowing what took place at particular Meetings in order to facilitate follow up action; such being relevant to the proper performance of Council functions;*
  - 3) *To maintain a record and to make it available to anyone on request for the purposes of broadening understanding of, and participation in, local government affairs; such being a legitimate purpose to promote openness and transparency in Council decision making as a means to encourage and assist the effective participation of the local community in the affairs of local government;*
  - 4) *To facilitate the involvement of members of the public, Councillors, users of facilities and services and Council staff in the development, improvement and co-ordination of local government; and*
  - 5) *To keep the local community informed about Council's activities*

*and to facilitate these purposes, tapes of Meetings will, subject to the provisions of Section 12 of the Local Government Act, be made available to the public.*

- *Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for taping of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded for the purposes of Clause 66 of Council's Code of Meeting Practice; and*
- *The Presiding Officer (Chairperson) at the commencement of the Meeting inform those in attendance that the proceedings are being recorded for the purpose of Clause 66 of the Code of Meeting Practice and remind them that any comments should only include personal information that is relevant or necessary to the matters under consideration by the Council/Committee. Further, that access to the tapes of Meetings may be granted to Councillors, staff and members of the public, subject to the provisions of Section 12 of the*

*Local Government Act”;*

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

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

**9.3 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 7/2005 - LOCAL GOVERNMENT AMENDMENT (DISCIPLINE) ACT 2004, INCLUDING REVISED CODE OF CONDUCT & COUNCILLOR MISBEHAVIOUR PROVISIONS. (F2004/06570 XR F2004/06569 XR F2004/06901 XR F2005/00176 XR F2005/00173)**

30 **RESOLUTION: (Notley-Smith/Hughes) that:**

- a) *Council adopt as its Code of Conduct the Model Code of Conduct for Local Councils in NSW;*
- b) *a Conduct Committee be established comprising of the Mayor, the General Manager and one independent person;*
- c) *the Council authorise the General Manager to nominate an independent person to serve on the Conduct Committee, being a General Manager of another Council or an appropriate representative of the University of NSW;*
- d) *Council endorse a process whereby issues or complaints alleging a breach of the Code are initially referred to the General Manager for mediation; and*
- e) *Council note that the Director Governance, Management & Information Services is reviewing associated policies currently contained in Council's Policy Register which may be affected by the new Code of Conduct and will report back to Council on any required additions to the Code and deletions on policies superseded by the adoption of the new Code of Conduct.*

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

**AMENDMENT: (Daley/Sullivan) that**

- a) Council adopt as its Code of Conduct the Model Code of Conduct for Local Councils in NSW;
- b) a Conduct Committee be established comprising of the Mayor, the General Manager and one independent person;
- (c) the Council authorise the General Manager to nominate an independent person to serve on the Conduct Committee, such person being a retired judge or a lawyer practicing in NSW who is not on the Council's current legal panel or providing legal services to the Council;
- d) Council endorse a process whereby issues or complaints alleging a breach of the Code are initially referred to the General Manager for mediation; and
- e) Council note that the Director Governance, Management & Information Services is

reviewing associated policies currently contained in Council's Policy Register which may be affected by the new Code of Conduct and will report back to Council on any required additions to the Code and deletions on policies superseded by the adoption of the new Code of Conduct. **LOST.**

**PROCEDURAL MOTION: (Notley-Smith/Nash)** that the meeting be adjourned at 10.35 p.m. and be resumed at 10.39 p.m.

**9.4 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 8/2005 - DOUBTFUL DEBTS - APPROVAL TO WRITE-OFF. (98/S/0040)**

31 **RESOLUTION: (Notley-Smith/Andrews)** that in accordance with the provisions of the Local Government (Financial Management) Regulation 1993, the sum of \$63,811.82 be written-off.

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

**9.5 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 9/2005 - REQUEST FOR FINANCIAL ASSISTANCE BY HURSTVILLE CITY COUNCIL. (F2005/00126)**

32 **RESOLUTION: (Tracey/Notley-Smith)** that Council contribute its proportion of the costs, being \$621.00 to the Local Government and Shires Associations.

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

**9.6 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 10/2005 - POLICY ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR, DEPUTY MAYOR AND COUNCILLORS. (98/S/0090 XR F2005/00176)**

33 **RESOLUTION: (Seng/Andrews)** that the updated Policy No. 1.03.10 be adopted and be placed on public exhibition as required by Section 253 of the Local Government Act subject to the following changes:

- (a) in Part 5, Clause (xvii), the number of Christmas Cards in the last line be increased from up to 150 to up to 300;
- (b) in Part 5, Clause (ii) (b), the limitation of call costs per month be increased from \$150 to \$200;
- (c) in Part 5, Clause (xvi), the last sentence, reading "Further, access to the internet at Councillors private residences through Council's internal provider arrangements" be deleted and be replaced with "Further, Council will pay each Councillor up to \$50 per month for expenses relating to the provision of internet facilities at their private residences, as arranged by them with their external internet provider".

34 **RESOLUTION (FURTHER): (Notley-Smith/Daley)** that, as a policy, the Council meet the expenses of Councillors' and the General Manager's spouses/partners if officially invited to functions/events representing the Council. Further, that the General Manager seek advice

*from the Department of Local Government and from the Council's legal panel of solicitors on this matter.*

**MOTION: (Woodsmith/Kenny)** that the updated Councillors' Payment of Expenses and Provision of Facilities Policy, attached to the Director Governance, Management and Information Services Report dated 11<sup>th</sup> February, 2005 be placed on public exhibition as required by Section 253 of the Local Government Act.

**AMENDMENT: (Andrews/Daley)** that the limitation on Councillors' mobile telephone call costs per month be increased from \$150 to \$200 and that the number of Christmas Cards provided be increased from up to 150 to up to 300.

(Councillors Hughes, His Worship the Mayor, Cr M. Matson and Woodsmith requested that their names be recorded as opposed to the above amendment which became the motion.)

**AMENDMENT (FURTHER): (Seng/Andrews) SEE RESOLUTION.**

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

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

(Note: Items 10.1 to 10.6 were dealt with prior to Item 7).

### **10.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 2/2205 – HARMONY DAY. (98/S/4828)**

35 **RESOLUTION: (Andrews/Procopiadis)** that Council:

- a) *support the "Living in Harmony Festival" event to be held at Goldstein Reserve, Coogee Beach on Sunday 20 March, 2004;*
- b) *allocate \$8,338 from the Contingency Fund 2004/05 to hold the Festival;*
- c) *waive the fees associated with holding the event at Goldstein Reserve, Coogee Beach;  
and*
- d) *make contact with the Greek and Chinese communities to ensure their participation in the events.*

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

### **10.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 3/2005 - 52 RAGLAN STREET, MALABAR. (D1084/2002)**

36 **RESOLUTION: (Bastic/Kenny)** that:

- A. *Council's original Determination of the Section 96(2) modification to Development Application No. 1084/2004, dated 21 May 2004, for balustrade alterations and a privacy screen be rescinded.*
- B. *Council as the consent authority, grant consent under Section 96 (2) of the Environmental Planning and Assessment Act, 1979, as amended, to vary the consent to*

*Development Application No. 1084/2002 for alterations and first floor addition to the existing dwelling house at 52 Raglan Street, Malabar, as follows:-*

*Amend Condition No. 1 to read:*

1. *The development must be implemented substantially in accordance with the amended plans numbered 2207 Sheet No. 1A, 4A, 5A, 6A dated January, 2003 and received by Council on 29 January 2003, and plans number 10 and 11 dated November 2002 and received by Council on 18 November 2002 as amended by the unnumbered Section 96 plans dated 5 March, 2004 and received by Council on 11 March 2004*

*Impose additional conditions:*

31. *The bamboo balustrade and privacy screens shall be painted a grey colour to match the walls of the existing dwelling house.*
32. *The balustrade shall be 1m in height.*
33. *The support structure and capping for the balustrade and privacy screen shall be galvanised steel.*

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

### **10.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 4/2005 - 68-76 WENTWORTH STREET, RANDWICK. (D/0125/2003)**

37 **RESOLUTION: (Bastic/Kenny) that:**

- A. *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 125/2003 to modify condition No. 149 and amend the internal layout of selected dwelling units, widen balconies on the north elevation of Block B for fire separation, introduce an upper floor level for units B.20 and B.21, install roof over top level lobby thoroughfare over Block B, provide for lift overrun, redesign Wentworth Street entry gate, delete windows in east elevation of Block C for fire separation, and replace bi-fold doors in Block C with sliding doors, at 68-76 Wentworth Street, Randwick in the following manner:*

*Amend Condition No. 1 to read as follows:*

- “1. *The Development must be implemented substantially in accordance with the plans numbered DA 01 – DA 16 issue L and dated 28 July 2002, the application form, and on any supporting information received with the application, and amended by the Section 96 plans numbered DA-01 to DA-11, and DA-15, Issue L, dated 3 October 2003, and the Section 96 plans numbered S96-3101 Issue B, S96-3102 Issue B, S96-3103 Issue B, S96-3104 Issue B, S96-3105 Issue B, S96-3106 Issue B, S96-3201 Issue B S96-3301 Issue B and S96-3302 Issue B dated 6 February 2004, and the Section 96 plans numbered S96-0107 Issue A, S96-1102 Issue B, S96-1103 Issue B, S96-1301 Issue A, S96-2102 Issue B, S96-2103 Issue B, S96-2104 Issue B, S96-2201 Issue B, S96-2301 Issue B, S96-2302 Issue A, S96-3103 Issue C, dated 20 August 2004, and S96-3301 Issue D and S96-3302 Issue D, dated 20 January 2005, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications,*

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

**Amend Conditions No. 149 to read as follows:**

149(a). A refundable deposit in the form of cash, cheque or bank guarantee of \$81,400.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

<b>TREE SPECIES</b>	<b>TREE NUMBER IN PSB TREE ASSESSMENT</b>	<b>AMOUNT</b>
<i>Eucalyptus scoparia</i> (Willow Gum)	1	\$3,900.00
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	3	\$9,900.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	5	\$8,200.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	6	\$6,800.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	7	\$10,100.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	9a	\$5,200.00
<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	10	\$15,800.00
<i>Melia azedarach</i> var. <i>australasica</i> (White Cedar)	57	\$21,500.00
	<b>TOTAL</b>	<b>\$81,400.00</b>

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate for Stage 1 (Block C) by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the trees have been retained in good health.

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

149(b) A refundable deposit in the form of cash, cheque or bank guarantee of \$172,500.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

**TREE SPECIES TREE NUMBER IN PSB TREE ASSESSMENT AMOUNT**

<i>Eucalyptus citriodora</i> (Lemon Scented Gum)	8	\$10,200.00
<i>Eucalyptus grandis</i> (Flooded Gum)	28	\$22,300.00
<i>Eucalyptus grandis</i> (Flooded Gum)	30	\$44,800.00
<i>Eucalyptus grandis</i> (Flooded Gum)	31	\$22,300.00
<i>Eucalyptus botryoides</i> (Southern Mahogany)	36	\$10,100.00
<i>Eucalyptus microcorys</i> (Tallowwood)	42	\$10,900.00
<i>Eucalyptus species</i> (Gum Tree)	43	\$6,600.00
<i>Eucalyptus microcorys</i> (Tallowwood)	46	\$13,300.00
<i>Eucalyptus microcorys</i> (Tallowwood)	47	\$12,500.00
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	48	\$19,500.00
	<b>TOTAL</b>	<b>\$172,500.00</b>

*The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate for Stage 2 (Blocks A and B) by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the trees have been retained in good health.*

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

**Add a condition as follows:**

158. *A 1.8 metre high chain-wire mesh fence is to be installed around the internal perimeter of Block C as shown in Drawing No. CD-0103, Job Number 5144, dated 12 November 2004, prepared by Candalepas Associates, which shall be inspected and approved by Council's Landscape Technician upon installation, prior to the issue of an occupation certificate for Stage 1. The subject fencing shall remain in place until all site works for the whole site are completed.*

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

**10.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
5/2005 - 8-10 GROSVENOR ST KENSINGTON. (D0916/2004)**

- 38 **RESOLUTION:** *(Bastic/Andrews) that Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 916/2004 for Demolition of 2 existing dwelling houses and erection of 5x2 bedroom townhouse dwellings with associated basement parking for 7 vehicles at 8-10 Grosvenor St Kensington subject to the following conditions:-*

**Deferred Commencement Condition**

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

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

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Community Development.*

- 2. The Juliet balconies detailed to the first floor eastern elevation shall be converted into planter boxes with doors accessing this area converted into windows with sill height of 1500mm from finished floor level. Amended plans shall be submitted to, and approved by, Council's Director of Planning and Community Development.*
- 3. All windows to the eastern elevation at first floor level shall have a sill height of 1500mm to provide additional privacy to neighbouring properties. Amended plans shall be submitted to, and approved by, Council's Director of Planning and Community Development.*
- 4. Screen planting to achieve a minimum height of 2000mm shall be provided to the western boundary along the dividing fence adjoining the courtyard areas to provide a buffer between these areas and adjoining neighbour at No. 6 Grosvenor St. Amended plans shall be submitted to, and approved by, Council's Director of Planning and Community Development.*

#### **Conditions of consent**

- 1. The development must be implemented substantially in accordance with the plans numbered Job number 0204 Dwg No. 01 through to 03 Issue C dated October 2004 received 29 October 2004, as amended by the additional detail/plans approved pursuant to the deferred commencement conditions, 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:*
- 2. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
- 3. 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.*
- 4. The storage area to the basement car park shall be divided into individual allotment which are then allocated to each of the 5 townhouses. Amended plans shall be submitted as part of a construction certificate.*
- 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. *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:***

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

<i>a) for the provision or improvement of open space</i>	<i>\$4439.52</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$1962.88</i>
<i>c) Administration fee</i>	<i>\$425</i>

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

11. *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.*
12. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
13. *Power supply and telecommunications cabling to the development shall be underground.*

14. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning & Community Development, **prior to the commencement of works.***
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. *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.*

20. *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.*

21. *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:***

22. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*
23. *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.*
24. *A warning light system shall be installed which indicates when the visitor parking space is occupied so as to warn drivers prior to entry into the basement.*

***Security Deposit Conditions***

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

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

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

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

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

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

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

26. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- i. *Construct a heavy-duty concrete vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site.*

*Note: The vehicular crossing is to be located a minimum of 2.00 m from the outside trunk of the Council street trees in Grosvenor Street.*

- ii. Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
  - iii. Reconstruct the concrete kerb and gutter along the full site frontage except opposite the vehicular access.*
  - iv. Carry out a full depth, minimum 1.50 metre wide, road re-construction in front of the kerb and gutter along the full site frontage.*
  - v. Reconstruct the concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
  - vi. 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.*
  - vii. 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.*
  - viii. 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.*
- 27. The driveway opening at the Grosvenor Street frontage must be 3.50 metres wide and located at least 1.5 metres clear of the side property boundary.*
- 28. A work zone is to be provided in Grosvenor 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.*

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

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

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

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923. The design alignment level at the property boundary must be strictly adhered to.*

30. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
31. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$503 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:***

32. *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.*
33. *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.*
34. *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.*
35. *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.*

### **Drainage Conditions**

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

36. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
  - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
  - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
    - i. *Roof areas*
    - ii. *Paved areas*
    - iii. *Grassed areas*
    - iv. *Garden areas*
  - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
  - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
  - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
37. *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.*
38. *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 to facilitate infiltration.*

39. *As the subject development site falls away from Grosvenor Street, all site stormwater must be discharged either:*
1. *To council's street drainage system in Addison Street by gravity via a private drainage easement through an adjoining private property (or properties); OR*
  2. *To an infiltration system designed in accordance with Council's requirements (subject to a satisfactory Geotechnical Engineers report).*

*Should the applicant demonstrate that all reasonable attempts to procure a private drainage easement/s have failed, and the ground conditions preclude the use of infiltration, a pump system may be permitted. The pump system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

40. *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.*
41. *A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

*Notes:*

- a. *The "restriction 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.*
42. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
43. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
44. *The maximum depth of ponding in above ground detention areas shall be as follows:*
- a. *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)*
  - b. *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
  - c. *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 car parks or in any area which may be used for storage of goods.*
  - *Mulch/bark must not be used in onsite detention areas*
45. *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).*

46. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
47. *Stormwater pipes shall be located in accessible locations.*
48. *A sediment/silt arrester pit must be provided:-*
- i. *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
  - ii. *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.*

52. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
53. *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.*
54. *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:*
  - i. *The location of the detention basin with finished surface levels;*
  - ii. *Finished site contours at 0.2 metre intervals;*
  - iii. *Volume of storage available in the detention areas;*
  - iv. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
  - v. *The orifice size(s) (if applicable); and*
  - vi. *Details of any pumping systems installed (including wet well volumes).*
55. *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.*
56. *As the above site may be present within a fluctuating water table, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been*

carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

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

*It is noted that should the applicant demonstrate that no part of the basement structure will be affected by groundwater fluctuations in the future, then the applicant will not be required to comply with this condition.*

57. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.

#### **Waste Management Conditions**

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

58. The garbage room area shall be able to contain a total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
59. 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.

#### **Landscape Conditions**

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

60. The landscaped areas shown on the plan number LA01 Rev C dated 24-11-2003 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:
  - a. A site plan at an appropriate scale showing existing site boundaries, existing 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. 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.*
  - h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
  - i. Landscaped areas must include an area dedicated to on - site composting.*
  - j. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
  - k. Location of easements within the site and upon adjacent sites (if any).*
- 61. 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.*

*Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*

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

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

63. *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 returfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*

64. *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.*

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

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

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

67. *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.*

68. *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.*

69. *Landscaped areas must include an area dedicated to on - site composting.*

### ***Tree Management***

70. *Approval is granted for the removal of the following trees subject to the planting of six (6) x 200 litre broad canopied replacement trees (not palms) within the site. The species selected shall be one/those that will attain a minimum height of 6 metres at maturity.:*

71. *One Lagerstroemia indica (Crepe Myrtle) located within the rear yard of No.10 Grosvenor Street.*
72. *One Hibiscus tiliaceus (Norfolk Island Hibiscus) located within the rear yard of No.8 Grosvenor Street.*
73. *One Eucalyptus species (Gum Tree) located within the rear yard of No. 10 Grosvenor Street.*

*Five (5) of the replacement trees are to be located within the northern (rear) courtyard areas of the site and one (1) to be located along the eastern property boundary. The replacement trees selected shall be native and of a species that shall attain a minimum height of 6 metres at maturity. The replacement trees are to be shown on all landscape documentation to be submitted for the construction certificate.*

74. *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.*
75. *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.*

#### **Tree Protection Measures**

76. *In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda) located within the front yard of the site, the Eucalyptus species (Gum Tree) located along the rear boundary of the site and the two Lophostemon confertus (Brush Box) located within Council's nature strip in good health, the following measures are to be undertaken:*
  - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
  - b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 2.00 metres from the outside edge of the tree trunks.*
  - c. *The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1.50 metres from the outside edge of the tree trunks.*

*This fencing shall be installed prior to the commencement of demolition and*

*construction works and shall remain in place until all works are completed.*

- d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*
- e. Any works/excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 3.00 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- f. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- g. Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.*
- h. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- i. A refundable deposit in the form of cash or cheque of \$10,040.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the trees in accordance with the requirements described in this condition.*

<b>QUANTITY</b>	<b>SPECIES</b>	<b>AMOUNT</b>
<i>1</i>	<i>Jacaranda mimosifolia (Jacaranda)</i>	<i>\$2,420.00</i>
<i>1</i>	<i>Eucalyptus species (Gum Tree)</i>	<i>\$3,830.00</i>
<i>2</i>	<i>Lophostemon confertus (Brush Box)</i>	<i>\$3,790.00</i>
	<b>TOTAL</b>	<b>\$10,040.00</b>

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

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

77. *A refundable deposit in the form of cash or cheque, or bank guarantee (with no expiry date) for the amount of \$12,000.00 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 Council.*
  - 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.*
78. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

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

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

*In this regard, the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as a LAeq, 15 min noise level, adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy and the NSW Environmental Protection Authority's Noise Control Manual (for sleep disturbance).*

80. *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.*

81. *The residential units are to achieve the following internal acoustic amenity criteria:*
- a) *In naturally ventilated residential units; the repeatable maximum LAeq (1 hour) shall not exceed:*
    - *35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;*
    - *45 dB(A) in sleeping areas when windows are open;*
    - *45 dB(A) in living areas (24 hours) when the windows are closed, and*
    - *55 dB(A) in living areas when the windows are open.*
  - b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum LAeq (1 hour) shall not exceed:*
    - *38 dB(A) between 10pm and 7am in sleeping areas;*
    - *46 dB(A) in living areas (24 hours).*

*Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.***

***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:***

82. *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.*
83. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

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

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

84. *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 plant and equipment shall not give rise to an LAeq, 15 min 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) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*
85. *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.*



86. 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:**

87. 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
88. 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**.*

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

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

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

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

91. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.
92. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
93. Prior to the commencement of any building 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.*

94. *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.*

95. *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".*
96. *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.*

97. *An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent and/or conditions of consent and prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the PCA, which confirms that the development is not inconsistent with the development consent and conditions of consent.*
98. *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.*

99. *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.*

100. *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 provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:***

101. *Upon completion of the development and, if applied for, **prior to the issuing of the strata subdivision**, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

*Details of critical stage inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.*

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

102. *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.*
103. *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 engineers report is to be submitted to the Council, if the Council is not the certifying authority.*

104. *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**.

105. 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, verandah's, 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 abovestated premises, **prior to the commencement of any works**.
106. 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**.
107. 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:**

108. 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.
109. Any 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".
110. 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.
111. 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.*

112. *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.*

113. *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.*

114. *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.*

115. *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.*

116. *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.*

117. *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.*
118. *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.*
119. *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.*
120. *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.*
121. *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.*
122. *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.*

123. *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.*

124. *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.*



125. *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.*

126. *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.*
127. *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.*
128. *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.*
129. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*
130. *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.*

***The following conditions are applied to provide reasonable levels of access for people with***

**disabilities:**

131. To provide reasonable access for persons with disabilities, a suitable access is to be provided from the entry to the premises and to the building entrance to the satisfaction of the certifying authority and details are to be included in the **construction certificate**.

**ADVISORY MATTERS:**

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

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

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- 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, the 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.

**MOTION: (Hughes/Nash)** that the application be refused for the following reasons:

1. significant loss of solar access to the property at No. 6 Grosvenor Street, to the west;
2. the setbacks are less than 5 metres in the zoning, with a set back of 3.64 metres on the western side and an average of 4.4 on the eastern side, so the setbacks are not adequate;
3. there are privacy and overlooking concerns from the balconies of the town houses;
4. safety issues; and
5. adverse heritage aspects of the proposal. **LOST.**

**MOTION (FURTHER): (Bastic/Andrews) SEE RESOLUTION.**

**10.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
6/2005 - 1599-1601 ANZAC PDE LA PEROUSE. (D0857/2004)**

(Cr Nash had previously declared a non-pecuniary interest in this item - See Item 4 of these minutes - and he left the Chamber.)

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**RESOLUTION: (Bastic/Kenny)** that Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the

*Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 857/04 for demolition of existing structures and the construction of a mixed use commercial and residential development containing 12 residential apartments, commercial/retail space and basement car parking and strata subdivision of the development at No. 1599 -1601 Anzac Parade, La Perouse subject to the following conditions:-*

***DEFERRED COMMENCEMENT CONDITION***

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

- 1. An amended finishes board is to be submitted for the development. The colours, materials and finishes of the external surfaces to the building are to be compatible with surrounding buildings and heritage listed buildings and monuments. Receding colours and textures should be chosen to avoid strong contrasts with the heritage setting, so as not to draw attention to the development. It is considered that natural textural materials, including sandstone and timber finishes, should be incorporated into the palette. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Community Development.*
- 2. The roof top terraces, stair access and roof space shall be deleted from the plans. The roof-top shall remain non-trafficable. Amended plans detailing this modified design shall be submitted to, and approved by, Council's Director of Planning & Community Development.*
- 3. The floor area to commercial space 2 shall be extended towards the south-eastern corner of Anzac Pde and Goorawahl Ave to enable a usable floor area and active street frontage to this corner. The ground floor shall be excavated to allow for a head height of 2.4m along the southern elevation with a revised shop area with two new additional floor areas to the southern corner of 3.2m (length) x 2.2m (depth) and to the L shaped corner an area of 17.16m<sup>2</sup> with the dimensions of 4.4m (length) x 3.9m (depth). A window shall be provided along the southern elevation into the corner to provide for visual interest an activity to this corner. Amended plans to be submitted to, and approved by, Council's Director of Planning & Community Development.*
- 4. End car park bays shall have a minimum width of 3m in accordance with DCP Parking. Amended plans shall be submitted to and approved by Council's Director of Planning & Community Development.*

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

- B.*** *Subject to compliance with the deferred commencement condition, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application 857/2004 for Demolition of the existing dwellings and construction of a new part two, part three storey mixed use development containing 12 dwellings, 2 shops and basement parking for 38 vehicles and strata subdivision at 1599-1601 Anzac Pde La Perouse subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA-01 Revision A through to DA10 dated 7 December 2004 and submitted 7 December 2004, as amended by the plans/details approved pursuant to the deferred commencement consent conditions, 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*
2. *Should any Aboriginal deposits or objects (engravings, middens, etc.) be exposed, site work is to temporarily cease within the vicinity while advice is sought from archaeologists, the La Perouse Aboriginal Land Council and the National Parks and Wildlife Service. A copy of any archaeological excavation permit required under the National Parks and Wildlife Act, shall be submitted to and approved by Council's Director of Planning and Community Development.*
3. *Should any European archaeological relics be exposed, site work is to temporarily cease within the vicinity while advice is sought from archaeologists, and the NSW Heritage Office. A copy of any excavation permit required under Section 140 of the Heritage Act, 1977, shall be submitted to and approved by Council's Director of Planning and Community Development.*
4. *In order to provide a safe and secure environment for residents and commercial tenants, security mechanisms for pedestrian building entry shall be provided, including an audio or video intercom system located at the building entry in Goorawahl Avenue for visitors to communicate with residents. Details shall be submitted to and approved by the principal certifying authority **prior to a construction certificate being issued** for the development.*
5. *In order to ensure that the basement car park is secure for residents and visitors a security door to the basement car park shall be provided with intercom facilities at the car park entrance, for visitors to both residents and commercial tenants and capable of being accessed by people with a disability. Details shall be provided to the satisfaction of the certifying authority **prior to the issue of the construction certificate.***
6. *The lift shall have security access to ensure that commercial tenants and their clients cannot access residential levels in the proposed development. Details shall be provided to the satisfaction of the certifying authority **prior to the issue of the construction certificate.***
7. *The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan – Exempt and Complying Development.*
8. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
9. *The enclosure of balconies is prohibited by this consent.*
10. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*

11. *External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*
12. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
13. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
14. *Power supply and telecommunications cabling to the development shall be underground.*
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. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of Planning & Community Development, **prior to the commencement of works.***
17. *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.*

18. *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.*
19. *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.*
20. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
21. *Upon completion of the development and **prior to the issuing of the strata subdivision**, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

*Details of critical phase inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.*

22. *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.*
23. *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.*

24. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
25. *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.*
26. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

a)	<i>for the provision or improvement of open space</i>	\$19,807.04
b)	<i>for the provision or improvement of community facilities</i>	\$8,757.76
c)	<i>Administration fee</i>	\$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 satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity.***

27. *The applicant shall construct the proposed driveway off Anzac Parade in accordance with the concept design plan (Sheet No: DA-02, Revision A, Dated 2/12/04) and is to be clearly signposted as "Entry Only".*
28. *Any redundant driveways along the Anzac Parade frontage of the subject site are to be removed and kerb and gutter (Type SA) reinstated to match existing.*
29. *All works associated with the development will be carried out at no cost to the RTA.*

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

30. *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).*

***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:***

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

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

32. *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.*
33. *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:***

34. *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.*
35. *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.*

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

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

37. *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.***

38. *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.*

39. *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.*

40. *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.*

41. *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.*

42. *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".*

43. *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.*

*An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent and conditions of consent.*

44. *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.*

45. *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.*

46. *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 provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:***

47. *Upon completion of the development and **prior to the issuing of the strata subdivision**, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

*Details of critical stage inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.*

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

48. *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.*
49. *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 engineers report is to be submitted to the Council, if the Council is not the certifying authority.*

50. *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**.*

51. *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, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon:*
- a) *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 abovestated premises, **prior to the commencement of any works**.*

52. *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**.*
53. *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:***

54. *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.*
55. *Any 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".*
56. *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.*
57. *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.*

58. *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.*
59. *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.*

60. *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.*
61. *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.*
62. *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.*
63. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
64. *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.*
65. *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.*
66. *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.*
67. *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.*

68. *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.*

69. *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.*

70. *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.*

71. *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.*

72. *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.*

73. *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.*

74. *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.*

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

76. *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. 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.*

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

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

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

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

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

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

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

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



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

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

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

***Security Deposit Conditions***

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

80. *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)       \$2000.00       -       *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.*

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

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

81. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- i.       *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site in Anzac Parade.*
  - ii.       *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite both the proposed vehicular exit to the site in Goorawahl Avenue.*
  - iii.       *Remove all redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
  - iv.       *Reconstruct any damaged sections of kerb and gutter along the full site frontage except opposite the vehicular entrance and exit points.*

- v. *Reconstruct the full site frontage in Anzac Parade, to Council's requirements. This may include pavers, tree grates, bins and seat installations as required by Council Landscape Architect.*
- vi. *Construct a concrete footpath along the full site frontage in Goorawahl Avenue. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

*Note: The footpath at the rear of the property (the northern frontage to Goorawahl Avenue) is to be located at the kerb alignment.*

- 82. *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.*
- 83. *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.*
- 84. *All new walls adjacent to vehicular crossings associated with vehicles exiting the site 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.*
- 85. *The driveway openings at the Goorawahl Avenue and Anzac Parade site frontages shall be a minimum 3.00 metres wide.*
- 86. *A work zone is to be provided in Anzac Parade 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.*

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

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

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

- ***Anzac Parade frontage: 3% above the top of the existing kerb at all points***

*opposite the kerb, along the full site frontage.*

- ***Northern Goorawahl Avenue frontage:*** *150mm above the top of the kerb at all points opposite the kerb, along the full site frontage.*
- ***Eastern Goorawahl Avenue frontage:*** *To be no lower than 300mm below 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.*

88. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath and/or kerb must be indicated on the building plans for the construction certificate.*
89. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3425 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:***

90. *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.*
91. *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.*
92. *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.*
93. *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.*
94. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](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.*

### ***Drainage Conditions***

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

95. *The floor level of all habitable and storage areas along the Goorawahl site frontages shall be at a minimum RL of 14.20 (AHD) or suitably waterproofed up to this same level.*
96. *The proposed internal driveway access of Goorawahl Avenue (and any other openings into the basement carpark from Goorawahl Avenue including windows, vents etc.) must be designed with a high point to a minimum RL of 14.09 (AHD).*
97. *All doors, walls, fences, windows etc on the ground floor level along the Goorawahl Avenue site frontage shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

*It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be **structurally** damaged in manner that could endanger lives during the PMF event.*

98. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Anzac Parade via a new and/or existing kerb inlet pit. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
99. *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.*
100. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
101. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
- b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's underground 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.*
- 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.*

102. *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.*

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. *Any Infiltration systems/Absorption Trenches must be designed in accordance with*

*"Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

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

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

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

107. *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.*
108. *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.*
109. *As the above site may encounter seepage water within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

**Notes:-**

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

**Waste Management Conditions**

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

110. *A residential garbage area sized to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins, shall be provided in an accessible location within the development. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
111. *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.*
112. *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.*
113. *The retail/commercial garbage room area 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. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
114. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a*

*Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

### ***Strata Subdivision Conditions***

***The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:***

- 115. The applicant shall create suitable rights of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
- 116. All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
- 117. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

### ***Landscape Conditions***

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

- 118. The landscaped areas shown on the drawing numbers LA01 and LA02, revision C, job number 03-201S, prepared by JM of Taylor Brammer Landscape Architects, dated 18.09.03, 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. If Council is not the certifying authority for the site, the applicant will still be required to forward a copy of the approved plan 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), 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.*

*Notes:*



- *The proposed planting along the length of the Goorawahl Avenue frontage (between the property boundary and the proposed footpath) shall be deleted.*
- *Documentary evidence shall be obtained from suitably qualified personnel, including but not limited to a landscape architect and structural engineer, stating that the soil depth, width and species selection of *Angophora costata* (Sydney Red Gum) proposed for 'on-slab' planting is feasible, suitable and capable of supporting the proposed tree for its life term.*

*If this cannot be provided, the applicant will be required to provide a more suitably sized alternative on the landscape plan submitted for the construction certificate application.*

- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
  - d. *Additional notation showing soil and mulch details, irrigation details, lighting details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
  - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
  - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
  - g. *The landscape plan shall show a minimum number of 12 x 25 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 4 metres at maturity.*
  - h. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*
  - 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.*
  - j. *Location of easements within the site and upon adjacent sites (if any).*
119. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
120. *The applicant will be required to submit further details, including species selection, size, location and maintenance regime, for tree planting proposed along the Goorawahl*

*Avenue nature strip/embankment, prior to the issue of a construction certificate. The applicant should contact Council's Landscape Technician to discuss this issue in more detail.*

121. *The applicant shall submit a landscape design for the Anzac Parade street frontage of the development. The landscape design may include pavements, seat installations, bins, trees, tree squares and tree grates to the satisfaction of Council's Landscape Architect – 9399 0786.*

*The Landscape Design plans, including sample boards and any other measures deemed reasonable to sufficiently detail the proposed works, shall be submitted to, and be approved to the satisfaction of Council's Landscape Architect, prior to the certifying authority issuing a construction certificate for the development.*

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

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

122. *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.*

123. *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.*
124. *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.*
125. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
126. *Any detention tanks and/or 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.*

127. *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***

128. *The following street tree security deposit requirement is to be complied with prior to a construction certificate being issued for the development:*

a) \$3500.00 - *Street Tree Security Deposit*

*The street tree security deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant meeting the full cost for Council or a council approved subcontractor to:*

129. *Supply and install 5 x 45 litre street trees along the Anzac Parade frontage and 3 x 45 litre street trees along the Goorawahl Avenue (northern) frontage at the completion of all works,*

130. *Compensate Council for the loss of amenity caused by the removal of the following street trees:*

- *Banksia integrifolia (Coastal Banksia) near the corner of Anzac Parade and Goorawahl Avenue to accommodate the proposed footpath widening,*
- *As well as the Callistemon viminalis (Bottlebrush) and Eucalyptus ficifolia (Flowering Gum) on the Goorawahl Avenue (northern) frontage to accommodate the proposed driveway (vehicle exit).*
- *The applicant is to obtain a written quote from Council for compliance with this condition. The applicant shall contact Council's Landscape Officer on 9399 0613 or 9399 0609 to obtain the written quote.*

131. *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 site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- *One Lagunaria patersonii (Norfolk Island Hibiscus) in the rear yard of 1599 Anzac Parade*
- *One Phoenix canariensis (Canary Island Date Palm) in the rear yard of 1599 Anzac Parade*
- *One Metrosideros excelsa (NZ Xmas Tree) in the rear yard of 1599 Anzac Parade*
- *One Lagunaria patersonii (Norfolk Island Hibiscus) in the rear yard of 1601*

*Anzac Parade*

- *One Syagrus romanzoffianum (Cocos Palm) in the rear yard of 1601 Anzac Parade*
- *One Syagrus romanzoffianum (Cocos Palm) in the front yard of 1601 Anzac Parade*

132. *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***

133. *In order to ensure the retention of the five (5) Banksia integrifolia (Coastal Banksia's), one Metrosideros excelsa (NZ Christmas Tree) and four (4) Leptospermum laevigatum (Coastal Tea Tree's) on Council's Goorawahl Avenue nature strip, in good health, the following measures are to be undertaken:*

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

b. *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 2 metres from the outside edge of the tree trunk.*

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

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

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

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

134. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$12,000.00 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.*
- c. 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 submitted application indicates that the southern corner of the terraces attached to apartments 4 and 8 would encroach over lane vested as public road by Governments Gazette No 52 of 1 June, 1962 being Lot 8 in Deposited Plan 206840. However, there are no objections to the development proposal on property grounds*
- A2. The layout of the car parking areas associated with the subject development (including aisle widths, ramp grades, turn paths, sight distance requirements at access points, and parking bay dimensions) should be in accordance with AS 2890.1-2004.*
- A3. All vehicles are to enter and leave in a forward direction.*
- A4. Number of off street parking spaces to Council's satisfaction.*
- A5. The proposed tandem commercial parking is to be allocated to tenants within the same commercial unit.*
- A6. Storm water run off from the subject site onto Anzac Parade, as a result of the proposed development, is not to exceed the existing level of run off from the site.*
- A7. Suitable provision is to be made on site for all construction vehicles to alleviate any need to park on Anzac Parade.*
- A8. 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*
- n) Part D3 - Access for people with disabilities*
- 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*
- u) Part F2 - Sanitary and other facilities*
- v) Part F3 - Room sizes*
- w) Part F4 - Light and ventilation, in particular, the carpark*
- 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.*

- A9. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

#### **10.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 7/2005 - 1 DUKE STREET, RANDWICK. (D0618/2003)**

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

**(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE EXTRAORDINARY MEETING OF THE COUNCIL ON TUESDAY, 1<sup>ST</sup> MARCH, 2005.)**

- 40 **RESOLUTION:** *(Nash/Andrews) that Council, under Section 82A of the Environmental Planning and Assessment Act 1979 (as amended), rescind its decision dated 26 August 2003 and, 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.618/03 for permission to construct a hardstand carspace forward of the building line for 1 Duke Street, Kensington, subject to the following conditions: -*

- 1. The development must be implemented substantially in accordance with the plans numbered DA1, dated June 2003 and received by Council on 26 August 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

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

- 3. Vehicles parked in the parking space must not extend beyond the boundary of the site at any time.*

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

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

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

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

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

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

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

- 7. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
- 8. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

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

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

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

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

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

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

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

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

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



- name, address and telephone number of the Principal Certifying Authority,
- a statement stating that “unauthorised entry to the work site is prohibited”.

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

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

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

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

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

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

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

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

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

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

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

15. All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.

16. Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".
17. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
18. All 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.*

19. 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.*
20. All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.
21. 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.
22. 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.*

23. *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.*
24. *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.*

25. *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.*
26. *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.*
27. *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.*

28. *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.*

29. *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.*

30. *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.*

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

31. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

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

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

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

33. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.
34. 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 Protection Measures**

35. In order to ensure the retention of the Eucalyptus species (Gum tree) located within the front yard of this property in good health, the following measures are to be undertaken:
- a) All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.
  - b) All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application **shall show footings of a pier and beam construction along the proposed fence in order to minimise damage to the roots of this tree.** The plan shall also note that piers are to be located to avoid any roots greater than 30mm in diameter.
  - c) There is to be no storage of materials or machinery or site office/sheds, no stockpiling of soil or rubble, nor is cement to be mixed or chemicals spilt/disposed within 3 metres from the outside edge of the tree trunk.

Any works required within this 3 metre zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

36. A refundable deposit in the form of cash or cheque of \$1560 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.

<b>QUANTITY</b>	<b>SPECIES</b>	<b>AMOUNT</b>
One (1)	<i>Eucalyptus species (Gum Tree)</i>	\$1560.00
	<b>TOTAL</b>	\$1560.00

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

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

**ADVISORY MATTERS:**

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

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

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

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

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

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

**11. PETITIONS.**

**11.1 PETITION SUBMITTED BY CR SULLIVAN ON BEHALF OF RESIDENTS IN SUPPORT OF HIS MOTIONS PURSUANT TO NOTICE ON THIS AGENDA REGARDING THE SPOT. (F2005/00172 xr F2004/07633 xr 98/S/2909)**

41 **RESOLUTION:** *(Sullivan/Daley) that the petition be considered in conjunction with Items 12.5 and 12.8.*

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

**11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF THE RESIDENTS OF TODMAN AVENUE, KENSINGTON OPPOSING THE PROPOSED TYPE OF REPLACEMENT FOOTPATHS . (F2005/00172 xr F2004/07638)**

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

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

**11.3 PETITION SUBMITTED BY CR TRACEY ON BEHALF OF CONCERNED RESIDENTS REQUESTING A PEDESTRIAN CROSSING & ALTERATIONS TO THE BUS SHELTER ON CLOVELLY ROAD. (F2005/00172 xr 98/S/4463)**

43 **RESOLUTION:** (*Tracey/Procopiadis*) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

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

**11.4 PETITION SUBMITTED BY CR TRACEY ON BEHALF OF RESIDENTS REQUESTING COUNCIL REINSTATE THE WALL ON THE CHILDREN'S POOL AT COOGEE BEACH. (F2005/00172 xr F2004/07347)**

44 **RESOLUTION:** (*Tracey/Sullivan*) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

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

**RESOLVED: (PROCEDURAL MOTION)** (*Notley-Smith/Hughes*) that item 12.37 be dealt with at this stage of the meeting.

**RESOLVED: (PROCEDURAL MOTION)** (*Notley-Smith/Hughes*) that the meeting closing time be extended by thirty (30) minutes.

**PROCEDURAL MOTION:** (*Sullivan/Daley*) that a number of Notice of Motions be dealt with as a block. **LOST.**

**12. MOTIONS PURSUANT TO NOTICE.**

**12.1 Notice of Rescission Motion by Councillors Andrews, Daley, Sullivan, Tracey & White – Works Committee Meeting, Tuesday, 8<sup>th</sup> February, 2005 – Item 5.5 – Mayoral Minute No. 8/2005 – Central Park, Maroubra - Invitation To Participate In The 2005 "Trees For Mum Program." (F2004/06574)**

**MOTION:** (*Andrews/White*) that the resolution passed at the Works Committee Meeting held on Tuesday, 8<sup>th</sup> February, 2005 reading as follows:-

“that:

- a) Council vote \$1,200.00 to cover the fees associated with the event on Sunday 8 May, 2005, and funds be allocated from the Contingency Fund 2004/05;
- b) The organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and

- c) The Mayor or his representative shall be given the opportunity to address the event on behalf of Council.”

BE AND IS HEREBY RESCINDED. **LOST.**

**12.2 BY COUNCILLOR WHITE – CHARITY CYCLING RACE. (F2004/07644 XR F2005/00171)**

45 **RESOLUTION:** *(White/Daley) that this Council support and assist in the implementation of a charity cycling race to be held in December at Coogee Beach; the race will include many of the Australian professional cyclists and some promising locals with the possibility of overseas cyclists willing to compete with the prize money to be donated to nominated charities.*

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

**12.3 BY COUNCILLOR NASH – UNLAWFUL ERECTION AND REMOVAL OF POSTERS. (F2004/06815 XR F2005/00171)**

46 **RESOLUTION:** *(Nash/Seng) that a report be brought back to Council addressing the following matters:*

1. *emphasising Randwick City Council’s total opposition to the unauthorised and unlawful erection of posters, notices and advertising material on public and private property, including telegraph poles, traffic light poles, shop facades and trailers (“the Problem”);*
2. *the content of a policy statement to be issued by Council and adopted into Council’s policy register (following compliance with Policy No.1.01.01), which conveys how Council will approach the Problem, having regard to:*
  - a. *the options reasonably and lawfully available to Council, or the programmes or initiatives that could be lawfully implemented by Council, including:*
    - i. *the issuing of orders under s121B of the Environmental Planning and Assessment Act 1979 (NSW); and*
    - ii. *the issuing of instantaneous penalty notices and/or the commencement of local court prosecutions (depending on the nature and extent of the unauthorised or unlawful erection of the poster, notice and advertising material, as the case may be);*
  - b. *the fact that the problem is both a planning concern as much as it is a waste management concern. As a result, Council should consider the feasibility of alternative and concurrent policies, options, programmes and initiatives, such as:*
    - i. *directing Council workers to remove unauthorised and unlawful posters, notices and advertising material whilst at the same time pursuing enforcement options, depending on the nature and extent of the breach; and*



- ii. *ensuring that the scope of works of any future tender for the provision of graffiti removal includes removal of unauthorised posters, notices and advertising material;*
  - c. *the approaches taken by other Councils to the problem, and whether any one or more of those approaches could be adopted or re-worked into Randwick City Council's ultimate approach to the problem;*
  - d. *legal advice obtained by Council; and*
  - e. *the availability of resources and funds.*
3. *the need to:*
- a. *advertise Council's adopted policy in respect of the problem through the local media;*
  - b. *advise all relevant venue operators/proprietors outlining Council's adopted policy (including, but not limited to, identified repeat offenders and local businesses);*
4. *the need for ongoing evaluation of the effectiveness of Council's adopted policy and ways in which it could be improved from time to time.*

**MOTION: (Daley/Sullivan)** that the Notice of Motion by Councillor Nash be adopted subject to the insertion of the following additional component:

- “5. Council acknowledge that such a policy, if implemented, will apply to political posters and campaign posters for all levels of government and Council acknowledge that such posters shall be dealt with and removed in accordance with all other posters throughout the City.” **LOST.**

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

**12.4 BY COUNCILLOR SULLIVAN – CIVIC IMPROVEMENT PLAN FOR COOGEE. (F2005/00197 XR F2005/00171)**

- 47 **RESOLUTION: (Hughes/His Worship the Mayor, Cr M. Matson)** that Council, in consultation with the three (3) Ward Councillors , two (2) Coogee Chamber of Commerce representatives and two (2) Coogee Precinct Committee representatives, develop and implement a civic improvement plan for the Coogee Commercial District, encompassing Coogee Bay Road, between Brook Street and Arden Street.

**MOTION: (Sullivan/Andrews)** that Council, in consultation with the three Ward Councillors and the Coogee Chamber of Commerce, develop and implement a civic improvement plan for the Coogee Commercial District, encompassing Coogee Bay Road between Brook Street and Arden Street. **LOST.**

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

**12.5 BY COUNCILLOR SULLIVAN – IMPROVEMENTS AT THE SPOT. (R/0612/01 XR F2005/00171)**

48 **RESOLUTION:** *(Sullivan/Andrews) that Council commits appropriate funds to the completion of footpath works in The Spot. That Council also appoints an urban design consultant to advise and report on infrastructure, landscaping and other urban improvements intended to reinforce and complement the art-deco significance of the Spot Precinct.*

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

**12.6 BY COUNCILLOR SULLIVAN – GRAFFITI PLAN. (98/S/2143 XR F2005/00171)**

49 **RESOLUTION:** *(Sullivan/Andrews) that the General Manager report to the next Council meeting on how the Graffiti Plan for the removal of graffiti from public and private buildings throughout the City is progressing.*

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

**12.7 BY COUNCILLOR SULLIVAN – RESTRUCTURE – MODELS FOR SERVICE DELIVERY. (F2004/07633 XR F2005/00171)**

50 **RESOLUTION:** *(Woodsmith/Hughes) that the General Manager's efforts on this matter be noted and he report on the issue of improved models for the delivery of services, including the benefits of introducing area based management structures (such as precinct managers) to oversee the holistic delivery of services in particular areas/city precincts.*

**MOTION:** (Sullivan/Andrews) that Council, as part of its re-determination of its structure as required under Section 333 of the Local Government Act, request that the General Manager report on improved models for the delivery of services to our many local communities, and that this report consider the benefits of introducing area based management structures (such as precinct managers) to oversee the holistic delivery of services in particular areas/city precincts.

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

**12.8 BY COUNCILLOR SULLIVAN – ANNUAL FESTIVAL AT THE SPOT. (98/S/2909 XR F2005/00171)**

51 **RESOLUTION:** *(Sullivan/Andrews) that Council support in principle the staging of an annual festival for the Spot, and that an organising committee be established comprising Ward Councillors, The Spot Business Association, The Spot Precinct Committee and interested local community groups.*

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

**12.9 BY COUNCILLORS BASTIC & ANDREWS – COASTAL WALKWAY – BETWEEN WILSON & UNDINE STREETS. (F2004/07523 XR F2005/00171)**

52 **RESOLUTION:** *(Andrews/Daley) that a report be brought forward on the re-construction of the coastal walkway between Wilson and Undine Streets and recommendations for funding such works.*

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

**12.10 BY COUNCILLOR PROCOPIADIS – COMMUNITY NOTICE BOARDS.  
(F2004/06258 XR F2005/00171)**

53 *RESOLUTION: (Andrews/Hughes) that Council in conjunction with Kensington, Kingsford and Randwick Chambers of Commerce, as a matter of urgency, design and implement suitable notice boards for Community use; appropriate funding to be identified.*

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

**12.11 BY COUNCILLORS BASTIC & ANDREWS – 2005/06 COUNCIL BUDGET ITEMS. (F2004/07225 XR F2005/00171 XR F2004/08433)**

54 *RESOLUTION: (Hughes/Notley-Smith) that the following motion by Councillors Bastic and Andrews be referred to the Budget and Management Plan Sub-Committee:*

*“that the following items be included for funding in the 2005/06 Council Budget:*

- a) Kerb and guttering in Galvin Street, between Mulgrave and Cooper Streets;*
- b) Kerb and guttering in Ferguson Street, between Fitzgerald Avenue and Wade Street;*
- c) Construction of footpaths in Moverly Road from Macleay Street to Cooper Street.”*

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

**12.12 BY COUNCILLOR BELLELI – LA PEROUSE STANNARD BOAT SHED & 1613 ANZAC PARADE, LA PEROUSE. (F2004/06044 XR F2005/00171)**

55 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.13 BY COUNCILLOR BELLELI – MALABAR POOL LONG TERM SOLUTION. (F2004/07490 XR F2005/00171)**

56 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.14 BY COUNCILLOR BELLELI – EXPRESSIONS OF INTEREST FOR MAROUBRA BEACH TRAM SHELTER. (F2004/07343 XR F2005/00171)**

57 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.15 BY COUNCILLOR BELLELI – INSTALLATION OF FIVE (5) RUBBISH BINS AT CORAL SEA PARK. (F2004/08288 XR F2005/00171)**

- 58 **RESOLUTION:** *(Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*
- PROCEDURAL MOTION:** **(Hughes/Woodsmith) SEE RESOLUTION.**
- 12.16 BY COUNCILLOR KENNY – KERB AND GUTTERING IN JANE LANE, CLOVELLY. (F2005/00171 XR F2004/08433)**
- 59 **RESOLUTION:** *(Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*
- PROCEDURAL MOTION:** **(Hughes/Woodsmith) SEE RESOLUTION.**
- 12.17 BY COUNCILLOR KENNY – GARBAGE BINS AT BUS STOPS. (F2005/00171)**
- 60 **RESOLUTION:** *(Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*
- PROCEDURAL MOTION:** **(Hughes/Woodsmith) SEE RESOLUTION.**
- 12.18 BY COUNCILLOR KENNY – CLOVELLY BEACH DISABILITY ACCESS RAMP. (F2004/07783 XR F2005/00171 XR F2004/08433)**
- 61 **RESOLUTION:** *(Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*
- PROCEDURAL MOTION:** **(Hughes/Woodsmith) SEE RESOLUTION.**
- 12.19 BY COUNCILLOR BASTIC – BUNDOCK STREET SITE. (D/0866/2004 XR F2005/00171)**
- 62 **RESOLUTION:** *(Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*
- PROCEDURAL MOTION:** **(Hughes/Woodsmith) SEE RESOLUTION.**
- 12.20 BY COUNCILLOR BASTIC – MAYORAL MINUTES. (F2004/06565 XR F2005/00171)**
- 63 **RESOLUTION:** *(Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*
- PROCEDURAL MOTION:** **(Hughes/Woodsmith) SEE RESOLUTION.**
- 12.21 BY COUNCILLOR NASH – PLANTING IN ANZAC PARADE/ALISON ROAD/ABBOTTFORD STREET/DAY AVENUE/BARKER STREET. (F2005/00171 xr F2004/08433)**
- 64 **RESOLUTION:** *(Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.22 BY COUNCILLOR NASH – TURFING AND GARDEN BEDS IN MEDIAN STRIPS ON ANZAC PARADE, GOODWOOD TO ADDISON STREETS. (F2005/00171 xr F2004/08433 xr F2004/00824)**

65 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.23 BY COUNCILLOR NASH – IMPROVEMENTS TO RANDWICK SHOPPING CENTRE FOOTPATHS, ROAD AND STREESCAPE. (F2004/00819 XR F2005/00171)**

66 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.24 BY COUNCILLOR NASH – PLANTING OF TREES, GARDENERS ROAD BETWEEN TUNSTALL AND LEONARD AVENUES. (F2004/07809 XR F2005/00171)**

67 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.25 BY COUNCILLOR NASH – STREET LIGHTING – HOUSTON ROAD. (F2004/07519 xr F2005/00171 XR F2004/08433)**

68 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.26 BY COUNCILLOR NOTLEY-SMITH – CAPTAIN COOK STATUE. (98/S/0212 XR F2005/00171 XR F2004/08433)**

69 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.27 BY COUNCILLOR NOTLEY-SMITH – RESURFACING OF COOGEE BAY ROAD, CARRINGTON TO PEROUSE ROADS. (F2004/07395 XR F2005/00171 XR F2004/08433)**

70 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.28 BY COUNCILLOR NOTLEY-SMITH –UPGRADING OF BARDON, BANGOR AND BAKER PARKS. (F2005/00119 xr 98/S/5141 xr F2004/00938 XR F2005/00171 XR F2004/08433)**

71 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.29 BY COUNCILLOR NOTLEY-SMITH – REMAKING OF PEDESTRIAN CROSSINGS. (F2004//08251 XR F2004/00171 XR F2004/08433)**

72 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.30 BY COUNCILLOR NOTLEY-SMITH –UPGRADING OF COOGEE BEACH TOILETS. (F2004/06063 XR F2005/00171 XR F2004/08433)**

73 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.31 BY COUNCILLOR BELLELI – TOILETS IN MATRAVILLE. (F2004/08020 F2004/08433 xr F2005/00171)**

74 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.32 BY COUNCILLOR BELLELI – SHADECLOTHS IN PLAYGROUNDS. (F2004/07601 XR F2005/00171 XR F2004/08433)**

75 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.33 BY COUNCILLOR BELLELI – BIN RECEPTACLE IN CORAL SEA PARK. (F2004/08288 XR F2005/00171 XR F2004/08433)**

76 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.34 BY COUNCILLOR BELLELI – LEXINGTON PLACE UPGRADE. (98/S/5067 XR F2005/00171 XR F2004/08433)**

77 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.35 BY COUNCILLOR HUGHES – CALL FOR NSW STATE GOVERNMENT TO DEVELOP AN INTEGRATED REGIONAL TRAFFIC AND TRANSPORT MANAGEMENT PLAN FOR THE SOUTH-EASTERN REGION OF SYDNEY. (F2004/07231 XR 2005/00171)**

78 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.36 BY COUNCILLOR NOTLEY-SMITH –PRAM ACCESS TO COOGEE OCEAN POOLS. (F2004/07347 XRF2004/08433 XR F2005/00171)**

79 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.37 BY COUNCILLOR NOTLEY-SMITH – BUDGET AND MANAGEMENT PLAN SUB-COMMITTEE. (F2005/00194 XR F2005/00171 XR F2004/08433)**

(Note: This item was dealt with following Item 11.4.)

80 *RESOLUTION: (Notley-Smith/Hughes) that:*

- (a) *Council establish a Budget and Management Plan Sub-Committee to determine which projects proposed by Councillors should be allocated funding in the 2005/06 Budget;*
- (b) *the Mayor, Cr Notley-Smith and either Crs Sullivan or Daley serve on the Budget and Management Plan Sub-Committee ; and*
- (c) *the Committee report back to Council prior to the finalisation of the budget and Management Plan for 2005/06 and initially meet on Tuesday, 1<sup>st</sup> March, 2005.*

(Crs Sullivan and Andrews requested that their names be recorded against the resolution.)

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

**12.38 BY COUNCILLOR NOTLEY-SMITH – REMOVAL OF LAMP POST AT FRONT OF RANDWICK TOWN HALL. (F2004/07744 XR F2005/00171)**

81 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.39 BY COUNCILLOR NOTLEY-SMITH – MAINTENANCE OF ALISON PARK.  
(F2004/00922 XR F2005/00171)**

82 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.40 BY COUNCILLOR DALEY – SHADECLOTH & SOFTFALL AT  
PLAYGROUNDS. (98/S/5012 XR F2005/00171)**

83 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**12.41 BY COUNCILLOR NOTLEY-SMITH – FOOTPATHS AND WORKS AT THE  
SPOT. (R/0612/01 XR F2005/00171 XR F2004/08433)**

84 *RESOLUTION: (Hughes/Woodsmith) that this item be deferred and be referred to the Extraordinary Council Meeting to be held on Tuesday, 1<sup>st</sup> March, 2005.*

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

**13. URGENT BUSINESS.**

Nil.

**14. CONFIDENTIAL REPORTS.**

**14.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 11/2005 - REVIEW OF  
ORGANISATIONAL STRUCTURE. (F2004/08214)**

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

- a) Council endorses the broad principles of the General Manager's Report dated 22nd February, 2005 regarding the "Review of Organisational Structure";*
- b) Council adopts the organisational structure as outlined in the report; and*
- c) Council requires the General Manager to provide regular reports to Council on the key stages of the implementation.*

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

**14.2 CONFIDENTIAL DIRECTOR ASSET & INFRASTRUCTURE SERVICES'  
REPORT 12/2005 - 33 HAROLD ST, MATRAVILLE - RIGHT-OF-WAY.  
(F2004/06861)**

86 *RESOLUTION: (Andrews/Belleli) that the information contained in the report of the*



*Director Asset & Infrastructure Services, dated 17th February, 2005 relating to the right-of-way adjacent to 33 Harold Street, Matraville, be noted.*

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

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

Nil.

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

Nil.

**17. NOTICE OF RESCISSION MOTIONS.**

A Notice of Rescission Motion was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Extraordinary Council meeting on Tuesday, 1<sup>st</sup> March, 2005 regarding Item 10.6, Director Planning & Community Development's Report 7/2005 - 1 Duke Street, Randwick.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 11.56 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22<sup>ND</sup> MARCH, 2005.

.....  
CHAIRPERSON