

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 8<sup>TH</sup> MARCH, 2005 AT 6:54 P.M.**

**PRESENT:**

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

Councillor T. Seng (Central Ward) (Chairperson)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic (from 8.14 p.m.)

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truvert.
Director, Governance & Financial Services	Mr. M. Hummerston.
Manager Development Assessment	Mr. K. Kyriacou.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

**1. APOLOGY.**

An apology was received from Cr Daley.

**RESOLVED: (Sullivan/Procopiadis)** that the apology from Cr Daley for non-attendance at the Health, Building & Planning Meeting of the Council held on Tuesday, 8<sup>th</sup> March, 2005 be received & accepted.

**2. MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 8<sup>TH</sup> FEBRUARY, 2005.**

H12 **RESOLUTION:** *(Andrews/Daley)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 8<sup>th</sup> February, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

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

Nil.

**RESOLVED: (Notley-Smith/Nash)** that the meeting be adjourned at 6.55 p.m. and be further adjourned at 7.47 p.m.

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

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

#### 6.1 **DIRECTOR, CITY PLANNING REPORT 9/2005 - 62 FRENCHMANS ROAD RANDWICK.**

The Objector                    Mr Andrew Lennox                    17 Kemmis Street, Randwick.

The Applicant                    Mr Michael Buckley                    PO Box 341 Gynea  
MJB Urban Planning                    (on behalf of applicant)

#### 6.2 **DEVELOPMENT APPLICATION REPORT - 109 VICTORIA STREET MALABAR.**

The Objector                    Ms Nina Theodorou                    114 Victoria Street, Malabar.

The Applicant                    Mr Peter Shara                    Level 10, 309 Pitt Street, Sydney  
(on behalf of the applicant)

#### 6.3 **DEVELOPMENT APPLICATION REPORT - 171 ARDEN STREET, COOGEE.**

The Objector                    Mr Martin Faulkner                    84 Bream Street, Coogee.

#### 6.5 **DEVELOPMENT APPLICATION REPORT - 7-37 COOGEE BAY ROAD, RANDWICK.**

The Objector                    Mr Paul Chilcott                    60 Castlereagh Street, Sydney.

#### 6.6 **DEVELOPMENT APPLICATION REPORT - 7-9 PERRY STREET MATRAVILLE.**

The Applicant                    Mr Damian O'Toole                    Level 2, 29 Shepherd Street,  
Chippendale.

#### 6.7 **DEVELOPMENT APPLICATION REPORT - 7 WHITE AVENUE MAROUBRA.**

The Objector                    Mr John O'Rielly                    49 Mason Street, Maroubra.

The Applicant                    Mr Alex Imuriotis                    7 White Avenue, Maroubra.

The meeting was resumed at 8.13 p.m.

**5. MAYORAL MINUTES.**

**5.1 MAYORAL MINUTE 24/2005 - FSR DEFINITIONS. (F/2004/07431 XR F2004/06565)**

H13 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that the Director, City Planning prepare a report on:-*

- a) *Various definitions of gross floor area;*
- b) *Implications of any changes on Council's DCPs;*
- c) *Implications and proposed timing related with the introduction of the State Government's "Model LEP"; and*
- d) *Processes and resources required should Council decide to change the current definition in the Randwick LEP 1998.*

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

**6. DEVELOPMENT APPLICATIONS.**

**6.1 DIRECTOR CITY PLANNING REPORT 9/2005 - 62 FRENCHMANS ROAD RANDWICK. (D0657/2004)**

H14 **RESOLUTION:** *(Andrews/Nash) that:*

- A. *Council assume the concurrence of the Director of Infrastructure Planning and Natural Resources to vary the provisions of Clause 32 and 33 of the Randwick Local Environmental Plan 1998 (as amended) relating to floor space ratio and height for a New Part 3 part 4 storey mixed use development including 3 retail shops, 17 dwellings and basement car parking for 23 vehicles under State Environmental Planning Policy No. 1 and,*
- B. *Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), "Deferred Commencement" to Development Application No 657/2004 for New Part 3 and 4 storey mixed use development including 3 retail shops, 17 dwellings and basement car parking for 23 vehicles at 62 Frenchmans Road Randwick subject to the following conditions:-*

*The consent shall not operate until the applicant satisfies Council as to the following matters within 12 months from the date of this consent. The following requirements are to be adequately addressed to the satisfaction of the Director of Planning and Community Development:-*

1. *Turning manoeuvre diagrams shall be submitted showing the largest size service vehicle accessing the site being able to enter and exit the site in a forward direction.*
2. *Each resident car parking space shall be allocated specifically to a dwelling. Plans and details are to be provided.*

3. *Amended plans demonstrating satisfactory ramp grades shall be submitted by the applicant. 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.*
4. *Proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted.*
5. *Amended plans incorporating the three design amendments proposed in concept form in email dated 18 February 2005 and detailed as-*
  - 5.1 *Increasing the setback of the upper level on Kemmis St by a further 2.2 metres for a section of the southern unit.*
  - 5.2 *Reducing the height of the building on Kemmis Street by 600mm, this is achieved by stepping the leading edge down.*
  - 5.3 *Reducing the eastern facing balcony/terrace of the upper corner unit to a total width of 700mm, from the original proposed 2.2m.*

***Subject to compliance with the deferred commencement requirement, approval be granted subject to the following conditions:***

1. *The development must be implemented substantially in accordance with the plans numbered 040514 01 through to 10 dated November 2004 and submitted 31 January 2005, the application form and on any supporting information received with the application, except as may be amended by the plans/details approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans.*
2. *The colours, materials and finishes of the external surfaces to the building are to be consistent with the sample board submitted and approved by Council as part of deferred commencement conditions.*
3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
5. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
6. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of the 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 in SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
8. *Landscaped areas must contain a predominance of species that require minimal*

*watering once established or species with water needs that match rainfall and drainage conditions.*

9. *Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*
10. *A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy*

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

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

#### **SECTION 94:**

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

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

<i>a) for the provision or improvement of open space</i>	<i>\$26893.18</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$11890.92</i>
<i>c) Administration fee</i>	<i>\$425.00</i>

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued***

*for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

12. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*
13. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
14. *Power supply and telecommunications cabling to the development shall be underground.*

15. *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.***
16. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

*Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.*
17. *A separate Development Application is required to be submitted to and approved by Council with regard to each separate proposed usage of the building **prior to occupancy.***
18. *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.*
19. *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.*
20. *The installation of roller shutters or security grilles to the shopfront is not permitted, unless a specific development consent has been obtained from Council.*
21. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*
22. *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.*

23. *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.*

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

24. *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.*

25. *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.*
26. *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.*
27. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
28. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
29. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of*

*Part 6 of the Home Building Act 1989, or*

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

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

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

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

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

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

- *All of the premises adjoining the subject site*

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

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

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

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

33. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and*



*public place as a result of the works.*

34. *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.***
35. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

36. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
37. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
38. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

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

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

39. *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.*

40. *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.*
41. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
  - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
42. *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.*
43. *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.*
44. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

*In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.*

45. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
46. *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.*

47. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
48. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
49. *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".*
50. *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.*

51. *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.*
52. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

*If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or*

*public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.*

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

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

54. *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*

55. *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.*

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

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

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

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

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

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

***The following conditions are applied to satisfy the relevant pollution control criteria and to***

***maintain reasonable levels of health, safety and amenity to the locality:***

59. *An application, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (Approvals) Regulation 1999 is to be submitted to and approved by Council prior to a **Construction Certificate** being issued for the development for the installation and operation of a greywater system. Details of compliance with relevant NSW Health Department Guidelines are to be provided with the application.*
60. *The greywater system is to be designed, installed and operated in accordance with the requirements of relevant NSW Health Guidelines for Greywater and Sewage Recycling in Multi-Unit Dwellings and Commercial Premises.*

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

61. *A Validation Report shall be submitted to Council upon completion of the remedial works, and prior to commencing any building works. Consent for remediation works has been given by Council under D/369/2004. The Validation report shall be prepared with reference to the NSW Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:*
  - *Description and documentation of all works performed.*
  - *Results of validation testing and monitoring.*
  - *Validation results of any imported fill onto the site.*
  - *Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
  - *Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*

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

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

*In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).*

63. *Plant and equipment associated with the rainwater tanks and greywater treatment systems is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
64. *The operation of plant and equipment associated with the rainwater tanks is restricted, if the noise emitted can be heard within a habitable room in any other residential premises:*

- before 8.00am or after 8.00pm on weekends or public holiday; or
  - before 7.00am or after 8.00pm on weekdays.
65. *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.*
66. *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 report is to include, but not be limited to, the potential for noise and vibration nuisance associated with the rainwater tank and greywater system plant and equipment and the geothermal heating and cooling system*

***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:***

67. *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.*
68. *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.*
69. *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.***

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

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

70. *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:***

71. *The applicant must meet the full cost for Council or a Council approved contractor to:*
  - a. *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the basement carpark.*
  - b. *Remove all redundant concrete vehicular crossings and laybacks (along both the Kemmis Street and Frenchmans Road site frontages) and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
  - c. *Reconstruct the kerb and gutter for the full site frontage in both Kemmis Street and Frenchmans Road except opposite the vehicular entrance and exit points.*
  - d. *Carry out a full depth, minimum two (2) metre wide, road reconstruction in front of the kerb and gutter along the full site frontage in both Kemmis Street and Frenchmans Road.*
  - e. *Reconstruct the concrete footpath along the full site frontage in Kemmis Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
  - f. *Reconstruct the full width footpath along the full site frontage in Frenchmans Road, in accordance with the Council's Urban Design Guidelines for Frenchmans Road Commercial Centre. This may include pavements, seat installations, bins, trees, tree squares and tree grates as required by Council's Landscape Architect – 9399 0786.*
  
72. *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.*
  
73. *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.*
  
74. *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.*



75. *The driveway opening at the Kemmis Street frontage to the basement carpark shall be minimum 5.50 metres wide.*
76. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
77. *The gradients of the driveway accessing the basement carpark shall be in accordance with AS2890.1:2004. It is noted that this includes suitable transitions being provided at the property boundary. Plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.*
78. *All vehicles shall enter and exit the site in forward direction.*

*Appropriate signage shall also be installed at the entrance to the ground floor loading bay to advise drivers of this requirement.*

79. *A work zone is to be provided in Kemmis 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.*

80. *There shall be no portion of the development (excluding approved street level awnings) encroaching over the property boundaries.*

*The submitted plans show the provision of an outdoor seating area (in conjunction with Shop 3), encroaching onto Council's footpath. Should the applicant wish to use Council's footpath adjacent to the property alignment for outdoor footpath seating, then the applicant shall submit a separate Development Application, for consideration of this proposal. The plans submitted for the construction certificate shall be amended to show all dining areas being located wholly within the property.*

81. *The minimum clear distance from the existing footpath in Frenchmans Road to the underside of the proposed awning (or any attached signage) shall be 2.6 metres.*
82. *All new awnings shall be set back a minimum of 0.6 metres from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
83. *All awnings shall be of uniform width across the site frontage in Frenchmans Road. The plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.*
84. *A minimum 3 metre x 3 metre splay is to be dedicated to Council on the corner of*

*Frenchmans Road and Kemmis Street.*

*There are to be no encroachments (such as the proposed landscaping) onto this dedicated land. The plans submitted for the construction certificate shall be amended to demonstrate compliance with this requirement.*

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

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

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

- *Frenchmans Road frontage: 2.5% above the top of the existing kerb level, at all points opposite the kerb along the full site frontage.*
- *Kemmis Street frontage: Match the back of the existing concrete footpath at all points opposite the footpath along the full site frontage.*

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

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

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

87. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$3142 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:*

88. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*

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

90. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to*

*a construction certificate being issued for the development.*

91. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*

### **DRAINAGE CONDITIONS**

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

92. *The floor level of all habitable and storage areas along the Frenchmans Road site frontage shall be at a minimum RL of 69.465 (AHD) or suitably waterproofed up to this same level.*
93. *All doors, walls, fences, windows etc on the ground floor level along the Frenchmans Road site frontages shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

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

94. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in Frenchmans Road via a new and/or existing kerb inlet pit. New kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
95. *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.*
96. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
97. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).*
98. *All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans*

*and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by the Director of Asset and Infrastructure Services prior to the issuing of a construction certificate.*

99. *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.*
100. *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.*

101. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

102. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*

103. *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.*

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

*Notes:*

a. *The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*

b. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*

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

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

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

i. *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)*

ii. *600mm in landscaped areas where the side slopes of the detention area have a*

- maximum grade of 1 in 10.*
- iii. *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*

- 108 *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

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

110. *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.*

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

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

*The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high*

*filtration rating located over the weep holes.*

- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- *A sign adjacent to the pit stating:*

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

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

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

113. *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.*

114. *A minimum of 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.*

115. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*

- 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);*
  - vi. *Details of any infiltration/absorption systems; and*
  - vii. *Details of any pumping systems installed (including wet well volumes).*
116. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
117. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark 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).*
118. *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:***

119. *The residential garbage room area shall be sized to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins.*
120. *A separate garbage area must be constructed for the retail components of the development. The retail garbage area/s shall be sized to contain a total of 6 x 240 litre bins (with satisfactory access to each of the bins by the retail tenancies). Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
121. *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.*
122. *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 retail components of the development site, post construction.*

### **LANDSCAPE CONDITIONS**

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

123. *The landscaped areas shown on the plan prepared by DBB/LN of 360 Degrees Landscape Architects, number 1 of 1, dated 4th August 2004 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the principal certifying authority prior to the issue of a construction certificate. If Council is not the certifying authority, the applicant shall forward a copy of the approved plans 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 street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

- g. The landscape plan shall show a minimum number of 4 x 75 litre broad canopied trees (not palms) specifically located within the deep soil zones of the site. The trees selected shall be of a species that attain a minimum height of 6 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. In order to reduce the amount of stormwater generated by the site, as well to recharge groundwater supplies, porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.*
- 124. 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.*
- 125. In order to provide a clear line of sight of approaching vehicles and pedestrians when vehicles are exiting the site, the landscape plan submitted for the construction certificate application will be required to show the relocation of the three (3) *Livistona australis* (Cabbage Palms) proposed for along the eastern boundary of the site, moved further to the west, closer to the proposed building line.*
- 126. Landscaping adjacent (within 2 metres) of driveway/hardstand areas, should be restricted to low growing shrubs (maximum height of 600mm) and groundcovers for the same reasons outlines above. The applicant shall demonstrate compliance with this condition to the satisfaction of the certifying authority prior to the issue of a construction certificate.*
- 127. The proposed planting of a stand of *Sapium sebiferum* (Chinese Tallowoods) at the northern point of the site, shown as a total of 24 on the planting schedule, and 15 on the plan, is considered excessive. This area shall be reviewed, with the plan submitted for the construction certificate application required to show the canopy of proposed trees in this area at their full size at maturity (not 3 metres as shown), together with a revised total.*
- 128. The applicant will be required to detail the method of maintenance (in accordance with OH&S requirements) for the proposed gardens outside the balustrade on Level 3. Such details shall be provided, to the satisfaction of the certifying authority, prior to the issue of a construction certificate.*
- 129. The applicant shall submit a landscape design for the Kemmis Street and Frenchmans Road frontages of the development in accordance with Council's Urban Design Guidelines for Frenchmans Road Commercial Centre. The landscape design may include pavements, seat installations, bins, trees, tree squares and tree grates as required by Council's Landscape Architect – 9399 0786.*

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

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

*A refundable deposit in the form of cash or cheque of \$4,000 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 Frenchmans Road and Kemmis Street site frontage.*

130. *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.*

131. *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.*
132. *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.*
133. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
134. *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.*

135. *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**

136. *The applicant shall submit a total payment of \$12,768.00 to Council,*

- a. *Being the cost for Council to remove the existing street tree specimens of eight (8) Callistemon viminalis (Weeping Bottlebrush) along the Kemmis Street frontage (\$1,600.00 + GST), and*
- b. *Being the cost for Council to supply and install 5 x 100 litre street trees (Syzygium leuhmannii, Lilly Pilly) on the Kemmis Street nature strip at the completion of all works (\$1780.00 + GST), comprising one to the north of the main driveway and four (4), evenly spaced to the north of the access to the loading area.*
- c. *To compensate Council for the loss of amenity caused by the removal of the street trees (\$9050.00).*

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

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

#### ADVISORY CONDITIONS

- A1. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*
- A2. *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 E1 - Fire fighting equipment*
- b) *Part E2 - Smoke Hazard Management*
- c) *Part E4 - Emergency lighting, exit signs and warning systems*
- d) *Part F4 - Light and ventilation, in particular, carpark ventilation*
- e) *Part D3 - Access for people with disabilities*

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

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

#### **6.2 DEVELOPMENT APPLICATION REPORT - 109 VICTORIA STREET, MALABAR. (D/831/2004)**

H15 **RESOLUTION: (Belleli/Nash)** *that Council, as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to*

*Development Application No. D/831/2004 for permission to demolish the existing dwelling and erect a two storey attached dual occupancy at 109 Victoria Street Malabar for the following reasons:*

- a) The proposed development is not consistent with the Aims and the Objectives of the Randwick Local Environmental Plan 1998 (“the LEP”) in particular the objectives of the Residential 2A zone as the proposal compromises the amenity of surrounding residential development and is not compatible with the dominant character of existing development.*
- b) Proposal is inconsistent with the purpose of Clause 29 Foreshore scenic protection area, of the Randwick Local Environmental Plan 1998 (“the LEP”) as the bulk and aesthetic appearance of the building will have a detrimental impact the visual qualities of the foreshore area.*
- c) The proposal does not satisfy the Objectives and Performance Requirements of Section 4.3 of the Dwelling Houses and Attached as the proposed height of the proposal does not allow a sharing of views from the properties to the west and south west.*
- d) The proposal does not satisfy the objectives and performance requirements of Section 4.9 of the DCP for Dwelling Houses and Attached Dual Occupancies as the proposed side setbacks of the proposed dual occupancy do not allow sufficient view corridors to allow for a fair sharing of view from the properties to the west and south west.*
- e) The proposal does not satisfy the objectives and performance requirements of Section 4.9 of the DCP for Dwelling Houses and Attached Dual Occupancies as the proposed building form is not sympathetic to the surrounding natural forms and will have and adverse impact on the aesthetic appearance of the Foreshore Protection Area.*

**MOTION: (White/Bastic)** that Council, as the consent authority, grant development consent subject to standard conditions. **LOST.**

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

### **6.3 DEVELOPMENT APPLICATION REPORT - 171 ARDEN STREET, COOGEE (D0018/2004)**

H16 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Sullivan)** that Council, as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 18/04/GN for alterations and additions and authorise the change of use from a boarding house to a backpackers accommodation at 171 Arden Street, Coogee for the following reasons:-

- a) The proposal will adversely impact on the amenity of the adjoining and neighbouring residents in terms of noise and anti-social behaviour; and*
- b) The proposal does not comply with the provisions of the Backpacker DCP and will adversely impact on the on-street parking in the locality.*

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

(Note: This resolution was unanimously carried by the Health, Building & Planning Committee.)

#### **6.4 DEVELOPMENT APPLICATION REPORT - 51-53 ENDEAVOUR AVENUE, LA PEROUSE. (D/0160/1997)**

H17 **RESOLUTION:** *(Andrews/Nash)* 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 No. 160/1997 for permission to establish a footway dining area used in conjunction with the existing café at 51-53 Endeavour Avenue, La Perouse, in the following manner:

- **Amend Condition No. 1 to read:**

1. *The development shall be implemented substantially in accordance with the details set out on the plans dated 30 April, 1997 and 5 May, 1997 (Revision 1), drawn by Nick Psychogios, and on the application forms and on any supporting information received with the applications, except as amended by the Section 96 plan numbered A, dated January 2005 and received by Council on 18 January 2005 and a revised plan numbered B, undated and received by Council on 18 January 2005, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application and except as may be amended by the following conditions and as may be shown in red on the attached plans:*

- **Amend Condition No. 2 to read:**

2. *The total footpath dining area shall measure a maximum of 2.9m in width and 11.2m in length.*

- **Amend Condition No. 3 to read:**

3. *Prior to operation of the proposed footpath restaurant the applicant shall enter into a formal license agreement with Council covering the terms and conditions of the footpath restaurant. The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal license agreement.*

- **Amend Condition No. 4 to read:**

4. *The hours of operation of the footway dining area are restricted to:-*

*Monday – Sunday: 10:00am to 8:00pm*

*All food services to customers shall only be provided within the abovementioned hours of operation and all patrons must vacate the area and all outdoor furniture is to be removed within 30 minutes of the specified hours.*

- **Amend Condition No. 7 to read:**

7. *The style and colour of the furniture to be used in the footpath restaurant area shall be in accordance with the Development Control Plan “Footpath Dining & Trading”. No advertising or other structures shall be installed without the prior written consent of Council. Design details of the proposed furniture shall be submitted to Council for approval, and approved, prior to the execution of a formal license agreement between Council and the applicant.*

*Note: All street furniture is to be removed from the licensed area outside approved trading hours.*

- ***Amend Condition No. 8 to read:***

8. *The applicant shall meet all other requirements of Council’s Development Control Plan “Footpath Dining & Trading”.*

- ***Amend Condition No. 9 to read:***

9. *The applicant shall ensure that the footpath restaurant area is maintained in a clean and tidy condition at all times. It is noted that this includes high pressure water blasting to clean the footpath restaurant area at least once every 6 months or as directed by Council’s officers.*

- ***Add the following conditions:***

17. *The proposed footpath seating area is to provide a minimum break of 0.5m from the existing light pole.*
18. *Prior to entering into a formal license agreement with Council, the proposed seating area shall be amended to show a minimum 0.6m setback from the kerb.*
19. *The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.*

***NOTES:***

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area.*
  - b. *The policy must name the Council as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first giving the Council ten (10) days prior written notice.*
  - c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Council.*
20. *The Licensee shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.*

21. *Furniture, fittings, and other articles shall be covered in suitable rubber stoppers or similar devices to prevent damage to the footpath pavement.*
22. *Furniture, fittings, and other articles shall be removed in windy conditions and otherwise removed outside of the approved hours of operation.*
23. *Furniture, fittings and other articles (operators' own) and screens shall be removed from the road reserve and stored inside the associated business premises outside of the approved hours of operation.*
24. *Heating devices must turn off automatically if overturned to prevent injury to patrons and property.*
25. *Heating devices must be removed from public land and appropriately stored when not in use.*
26. *Direct access to gas mains and the use of extension cords for heating devices is not permitted.*
27. *Food premises shall not permit live animals in areas in which food is handled except an assistance animal, which is permitted only in dining and drinking areas and other areas used by customers.*
28. *All furniture and fittings shall be kept clean and, in safe and working order.*
29. *License holders must display a current licence card clearly and legibly on the related shop front window at all times.*
30. *Failure to display a current licence is a breach of the licence terms and conditions and may result in the revocation of the licence by Council.*
31. *A transfer of business ownership requires a new business owner to apply for a transfer of ownership of a footpath trading licence into their name.*
32. *The applicant must bear the cost of repairing any damage to the road reserve that result from the approval.*
33. *Bill posters are not permitted anywhere within the road reserve.*
34. *No food shall be displayed within a footpath trading area.*
35. *No sharp, protruding objects (e.g. uncovered hardware items) shall be displayed within a footpath trading area.*
36. *All goods shall be securely anchored or supported so as to ensure a safe environment for the public.*

***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:***

37. *The proposed use of the premises and the operation of all plant and equipment shall not*



give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

*In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).*

38. *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.*
39. *Amplified music, entertainment, or any other ancillary activity is not permitted within the footway dining area, except with prior development consent.*

***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:***

40. *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.*
41. *Preparation, display and/or storage of food are not permitted within the footway dining area.*
42. *The footway dining area is to be limited to thirty (30) persons.*
43. *The footway dining area is to be maintained free of grease, food items and associated litter at all times.*

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

## **6.5 DEVELOPMENT APPLICATION REPORT - 7-37 COOGEE BAY ROAD, RANDWICK (D/1195/2003)**

H18 **RESOLUTION: (Sullivan/White) that:**

- a. *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. 01195/03 for the construction of a school multi-purpose hall and teaching facilities with three ground level commercial suites and four levels of car parking for 168 vehicles at No. 7-37 Coogee Bay Road, Randwick subject to the following conditions:-*

### Deferred Commencement Conditions

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

1. *Prior to this consent becoming operational, the applicant shall submit to Council for approval, and have approved, amended plans for the carpark areas detailing general*

*compliance with AS2890.1:2004.*

*In particular the amended plans shall show:*

- *The grade of the access driveway being reduced to 1 in 20 (5%) for the first 6 metres into the carpark (Section 3.3(a); AS 2890.1:2004)*
- *Adequate queuing area in accordance with Section 3.4 of AS 2890.1:2004*
- *The grade of the access driveway being no greater than 1 in 20 (5%) for at least 6 metres before the ticket machine (vehicular control point) (Section 3.3(b); AS 2890.1:2004)*
- *Adequate head room throughout the carparking areas in accordance with Section 5.3.1 of AS 2890.1:2004.*

*Notes:*

- *A longitudinal section through the access driveway and carpark area beneath the access driveway shall be provided to demonstrate compliance with this requirement.*
  - *AS 2890.1:2004 specifies a minimum clearance of 2.3m shall be provided along the vehicle path of travel to or from a disabled parking space.*
2. *Prior to this consent becoming operational, the applicant shall submit to Council for approval, and have approved, amended plans showing redesign of the retail garbage room area/s to contain a total of 6 x 240 litre bins (i.e. 1 garbage bin and 1 recycle bin for each of the commercial/retail tenancies), whilst providing satisfactory access to these bins.*
  3. *Prior to this consent becoming operational, the applicant shall submit amended plans showing a minimum 1 metre wide strip of land being dedicated to Council along the full St Pauls street frontage to facilitate widening of the footpath. Compliance with this requirement will necessitate the building alignment in St Pauls street (on all levels of the development) being setback a minimum 1 metre.  
*Note: No part of the structure (including the basement carpark and/or eaves overhang) shall encroach onto the dedicated land.**
  4. *A carpark management plan supported by appropriate quantification and prepared by a qualified traffic or parking consultant shall be submitted and approved by Council. The management plan shall, at minimum, cover the following issues:*
    - a. *Method of payment (including details of any voucher systems), and proposed parking rates;*
    - b. *Method of controlling the use of the carpark without deterring intended user groups (school users together with public visitors);*
    - c. *Arrangements to indicate when the carpark is full;*
    - d. *Provision for ongoing monitoring of the carparking performance;*
    - e. *Hours of operation; and*

- f. *Appropriate consultation taking place between the applicant and the Spot Precinct Committee prior to submission of the Parking Management Plan.*
5. *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.*

6. *Details of the eastern façade, including materials, colours and finishes, are to 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 in accordance with Clause 95(3) of the Environmental Planning and Assessment Regulation 2000.*

#### *Development Consent Conditions*

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

#### ***REFERENCED PLANS:***

1. *The development must be implemented substantially in accordance with plans drawn by Charles Glanville Architects Pty Ltd and numbered DA01, DA02, DA03, DA04, DA05 and DA06 (Revision C) dated 23 December 2004 and received by the Council on 13 January 2005, the application form and any supporting information received with the application, except as may be amended by the details/amendment approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans.*

#### ***ENVIRONMENTAL AMENITY:***

***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. *Application drawings No. DA 03 and DA06 are to be amended by deleting references to "retail" and "commercial" uses. These areas shall be designated for use as a community facility.*
3. *Power supply and telecommunications cabling to the development shall be underground.*
4. *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.*

5. *All tenancies shall be the subject of a separate development application prior to occupation unless otherwise exempt by Council's Development Control Plan – Exempt and Complying Development.*

**ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:**

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

6. *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.*

**CIVIL WORKS/TRAFFIC:**

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

7. *The applicant must meet the full cost for Council or a Council approved contractor to:*
  - a) *Construct a full width concrete commercial vehicular crossing and layback at kerb opposite the vehicular entrance to the site in St Pauls Street.*
  - b) *Reconstruct the full St Pauls Street site frontage in accordance with Council's Urban Design Guidelines for the Spot Commercial Centre. Note: This may include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786*
  - c) *Reconstruct any damaged sections of kerb and gutter for the full site frontage in St Pauls Street except opposite the vehicular entrance and exit points.*
  - d) *Construct a new double grated kerb inlet pit in St Pauls Street at the site stormwater discharge point; and connect the new pit to the existing/reconstructed stormwater pit in St Paul's Street (located some 27.5 metres to the west of the subject development site) via a minimum 450mm diameter spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP)*
8. *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.*
9. *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.*

10. *The eastern wall adjacent to the vehicular crossing 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.*
11. *Prior to the issuing of an occupation certificate, the applicant shall dedicate a minimum 1 metre wide strip of land along the full St Pauls Street site frontage to facilitate widening of the footpath. The applicant shall meet all costs associated with the dedication.*

*Note: No portion of the development (including basement structures and/or eaves overhang) shall encroach into the dedication.*
12. *Under awning signs must be not less than 2.60m above the footpath level at any point.*
13. *Awnings must be not less than 3m above the footpath at any point and must be setback at least 600mm from the kerb line.*
14. *Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.*
15. *The carpark layout shall be in general accordance with Australian Standard 2890.1 (2004).*
16. *Traffic directional arrows shall be marked in permanent materials on the floor of each parking level.*
17. *Signs indicating 8 kilometres per hour speed limit shall be provided on the car parking levels and at the carpark entry.*
18. *A "STOP" sign shall be provided at the exit point of the exit driveway.*
19. *All vehicles shall enter and exit the site in a forward direction.*
20. *The tenant and public parking spaces shall be suitably separated and designated accordingly.*
21. *Appropriate "Parking Station Full" signage shall be displayed in a prominent position at the entrance at all times when the public parking station section of the premises is fully occupied. It is noted that the signage shall be provided wholly within the site.*
22. *All costs of traffic management measures associated with the development shall be borne by the developer.*
23. *A Works Zone is to be provided in St Pauls Street for the duration of the construction works. The 'Works 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 Works 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 Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.*

***Alignment Level Conditions:***

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

24. *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 realigned property boundary for driveways, access ramps and pathways or the like, shall be as follows:*

- ***2.5% above the level at the top of the existing 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.*

25. *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.*

26. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1352 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.*

27. *The top of footings of any structures constructed on the realigned boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

***Security Deposit Conditions:***

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

28. *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.*

***Service Authority Conditions:***

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

29. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
30. *The applicant must meet the full cost for 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.*
31. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
32. *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 to determine whether or not an electricity substation is required for the development.*
33. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.*

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

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

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

**DRAINAGE:**

***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:***

*External Drainage works*

34. *All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system in St Pauls Street via a new double grated kerb inlet pit (as detailed on the concept drainage plans by Steve Paul and Partners dated 9 August 2004).*

*The new kerb inlet pit shall be connected to the existing (or reconstructed if required) stormwater pit in St Paul's Street (located some 27.5 metres to the west of the subject development site) via a minimum 450mm 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.*

*The new kerb inlet pit/s shall be constructed in general accordance with Council's standard drawing SD6.*

35. *All works (including road reinstatement works) shall be undertaken to the satisfaction Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate.*
36. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).*
37. *All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by the Director of Asset and Infrastructure Services prior to the issuing of a construction certificate.*
38. *A bond or unconditional bank guarantee (no expiry date) for the amount of \$15,000 shall be submitted to Council prior to the issuing of a construction certificate to ensure satisfactory construction and performance of the new kerb inlet pit and pipeline in Council's road reserve. The bond/bank guarantee will be held for a defects liability period of 52 weeks from the date of issue of the occupation certificate and will be released upon written request (at the end of the defects*



*liability period) subject to satisfactory inspection by Council's Asset and Infrastructure Service Department.*

### Internal Drainage

39. *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.*
  - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
  - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
    - i. *Roof areas*
    - ii. *Paved areas*
    - iii. *Grassed areas*
    - iv. *Garden areas*
  - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
  - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
  - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
40. *On-site detention must be provided to ensure that the maximum discharge from the redeveloped portion of the site (including proposed new landscaped areas) is not to exceed that which would occur during a **1 in 5** year storm of 1 hour duration for*

*the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 100 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.*

***Should a formal overland escape route be provided for storms greater than the design storm, the on-site detention system may be sized for the 1 in 20 year storm event (rather than the 1 in 100 year event).***

*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.*

41. *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.*
42. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
43. *The maximum depth of ponding in any above ground detention shall be as follows:*
  - e) *300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
  - f) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
  - g) *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

*Notes:*

- *It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.*
  - *Mulch/bark must not be used in onsite detention areas*
44. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
  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. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
48. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
49. *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.*

50. *A sediment/silt arrester pit must be provided:-*
  - a) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
  - b) *prior to stormwater discharging into any absorption/infiltration system.*

*The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- *A sign adjacent to the pit stating:*

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

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

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

*Notes:*

- a. *The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
52. *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:*
- h) *The location of the detention basin with finished surface levels;*  
i) *Finished site contours at 0.2 metre intervals;*  
j) *Volume of storage available in the detention areas;*  
k) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*  
l) *The orifice size(s) (if applicable);*  
m) *Details of any infiltration/absorption systems; and*  
n) *Details of any pumping systems installed (including wet well volumes).*
53. *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.*
54. *Provision shall be made for all stormwater runoff currently draining through the development site to be safely conveyed through the site to the drainage system in St Pauls Street. The overflow infrastructure required to convey flow through the site shall be constructed prior to the commencement of building work unless it can be demonstrated that an alternative method for safely conveying stormwater through the site is available throughout the construction period.*

*The stormwater overflow system (designed to convey external catchment flows through to St Pauls Street) shall be designed in accordance with the following requirements:*

- a) *The stormwater collection system shall be designed with minimum blockage factors of 50% for sag pits and 30% for on grade pits (higher blockage factors should be adopted for critical pits);*
  - b) *The area contributing to flows shall include (but not necessarily be limited to) the southern portion of 7-37 Coogee Bay Road (excluding the subject development site which is draining to the on-site detention system) and the adjoining vacant land to the east;*
  - c) *The piped system shall be constructed in general accordance with the layout shown on concept drainage plans by Steve Paul and Partners dated 9 August 2004 and shall consist of a minimum of two pipes, with both pipes being sized to separately convey the 1 in 100 year flows; and*
  - d) *The drainage system is to be modelled and designed assuming the outlet is submerged due to flows in St Pauls street.*
55. *The applicant shall submit certification from a suitably qualified hydraulic consultant confirming that the piped stormwater overflow system has been design in accordance with the above requirements prior to the issuing of a construction certificate. The certification shall be to the satisfaction of the certifying authority.*
56. *Should groundwater/seepage water be encountered within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. If tanking is required, 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 (from planter boxes etc) 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 under the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
57. *Should dewatering be required at any point during the excavation, the applicant shall contact the Department of Infrastructure Planning and Natural Resources (DIPNR) to obtain a temporary dewatering license.*

**WASTE MANAGEMENT:**

***The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:***

- 58. *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.*
- 59. *The commercial garbage area shall be sized to contain a total of 6 x 240 litre bins (1 x 240 litre garbage bin and 1 x 240 litre recycling bin for each commercial tenancy).*

*Satisfactory access shall be provided to all bins.*

60. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the redeveloped portion of the development site, post construction. This plan is to include details of how the waste management arrangements for the proposed development will be integrated into the existing waste management system implemented by Brigidine College.*

***Landscape Conditions:***

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

61. *The landscaped areas shown on the submitted Landscape plan (Drawing L 01, Job No. 020550 by Mather and Associates Landscape Architects, dated June 2002), 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 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.*

*Note: 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.*

- 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. Location of easements within the site and upon adjacent sites (if any).*
62. *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.*
63. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

#### **Tree Management**

64. *The applicant shall be required to ensure the retention and long term health of all trees located on the property adjacent to the proposed works. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*

#### **NOISE EMISSION/ AMENITY CONDITIONS:**

***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:***

65. *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.*
66. *The project specific criteria for the **use of the premises** is (as listed in the acoustical report dated 9 July 2002 prepared by Renzo Tonin and Associates) when measured at the nearest affected receiver boundary:*

	<b><i>Day (7am – 10pm)</i></b>	<b><i>Evening (6pm-10pm)</i></b>	<b><i>Night (10pm – 7am)</i></b>
<b><i>Location 1: 56 St Paul Street</i></b>	48 LAeq (15 mins)	48 LAeq (15 mins)	43 LAeq (15 mins)
<b><i>Location 2: 3 Daintree Crescent</i></b>	47 LAeq (15 mins)	46 LAeq (15 mins)	44 LAeq (15 mins)

The project specific criteria for **sleep intrusiveness** (as listed in the acoustical report dated 9 July 2002 prepared by Renzo Tonin and Associates) when measured at the nearest affected receiver boundary:

	<b>LAI Criteria</b>
<b>Location 1: 56 St Paul Street</b>	<i>LAI less than or equal to 53d B(A)</i>
<b>Location 2: 3 Daintree Crescent</b>	<i>LAI less than or equal to 54d B(A)</i>

67. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
68. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **within one month of the occupation certificate being issued** for the development, demonstrating and certifying that noise and vibration emissions from the development comply with the provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's development consent.*

*The report is also to detail compliance with section 7 of the acoustic report, prepared by Renzo Tonin & Associates dated 9 July 2002.*

#### **ENVIRONMENTAL POLLUTION AND CONTROL:**

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

69. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
70. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*

#### **FOOD ACT & FOOD PREMISES:**

***The following conditions are applied to ensure compliance with the Food Safety Standards under the Food Act 1989 and Council's Food Premises Code:***

71. *The premises is to be designed and constructed in accordance with the Food Act 1989, Food Safety Standards Code and Council's Food Premises Code and details of compliance are to be included in the plans and specification for the **construction certificate** to the satisfaction of the certifying authority.*
72. *Food safety practices and operation of the food premises must be in accordance with the Food Act 1989 and the Food Safety Standards Code at all times, including the requirements and provisions relating to:*
- *Food handling – skills, knowledge and controls.*
  - *Health and hygiene requirements.*
  - *Requirements for food handlers and businesses.*
  - *Cleaning, sanitising and maintenance.*



- *Design and construction of food premises, fixtures, fitting and equipment.*
73. *The design and construction of food premises must comply with the following requirements, as applicable:-*
- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, light coloured, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
  - *The intersection of walls with floor and plinths is to be coved, having a minimum radius of 25mm.*
  - *Walls of the kitchen preparation areas and the like are to be of solid construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall to a minimum height of 2m above the floor level, to provide a smooth even surface.*
  - *Walls where not tiled are to be cement rendered and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
  - *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
  - *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
  - *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
  - *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
  - *Not less than one wash hand basin is to be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
  - *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
  - *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius are to be readily accessible to refrigerators, cool rooms, other cooling appliances and bain-maries or other*

*heated food storage/display appliances.*

- *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*

74. *The food premises must comply with the following requirements:-*

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

### **STRUCTURAL:**

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

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

- *All of the premises adjoining the subject site*

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

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

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

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

77. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction***

*certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.*

78. *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.***
79. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

#### **CONSTRUCTION MANAGEMENT:**

*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:*

80. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
81. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
82. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

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

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

83. *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.*

84. *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.*

85. *A works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*

86. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction**:*

- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

87. *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.*

88. *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.*
89. *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.*
90. *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.*
91. *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.*

92. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*
93. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
94. *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.*

95. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions and debris at all times.*
96. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
97. *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".*
98. *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.*

99. *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.*

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

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

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

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

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

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

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

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

- *the slope of the land*
- *site access points and access control measures*

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

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

102. *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*

103. *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.*

104. *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.*

**ACCESS & FACILITIES FOR DISABLED:**

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

105. *Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the **construction certification**.*

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

106. *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.***

107. *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.*
108. *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.*
109. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
110. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
111. *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.*

**ADVISORY MATTERS:**

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

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

- a) *Part B1 - Structural provisions*
- b) *Part C3 - Protection of openings*
- c) *Part D3 - Access for people with disabilities*
- d) *Part E1 - Fire fighting equipment*
- e) *Part E2 - Smoke Hazard Management*
- f) *Part E4 - Emergency lighting, exit signs and warning systems*
- g) *Part F2 - Sanitary and other facilities*
- h) *Part F4 - Light and ventilation*

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

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

## 6.6 DEVELOPMENT APPLICATION REPORT - 7-9 PERRY STREET MATRAVILLE. (D/825/2004)

H19 **RESOLUTION:** (*Belleli/Nash*) that:

A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/825/2004 for To use the existing warehouse and office buildings and construction of a new warehouse building for use as a panel beating workshop. at 7-9 Perry Street Matraville subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered A-01 to A07, and all received by Council on the 5 October 2004, and plan numbered A-08, dated September 2005 and received by Council on the 16 December 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:
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. The office, component of the development shall only be used in conjunction with the associated panel beating workshop.
4. The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business other than a commercial garbage bin must be wholly contained within the premises.
5. All loading and unloading associated with the use or operation of the premises shall be carried out within the site.
6. No vehicles under or awaiting repair or other services are to be located upon Council's roadway, footways, and reserves at any time.
7. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
8. At no time shall any vehicles associated with the use or operation of the premises be parked on any adjacent or nearby streets, lanes or reserves.
9. No goods, or machinery or advertising signs are to be placed on Council's footway at any time.
10. The use of the premises is not to commence until all terms and conditions of this development consent have been satisfied.

11. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
12. *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.*
13. *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.*
14. *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.*

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

15. *Parking must be implemented in accordance with plan numbered A-08, received by Council on the 16 December 2004. Areas designated as staff parking are not to be used to store vehicles under repair.*
16. *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.*
17. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
18. *Three (3) secure bicycle parking spaces shall be provided on the site **prior to the issue of the Occupation Certificate.***

***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:***

19. *Only 'virgin excavated natural material' is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
20. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
21. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
22. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

23. *An Emergency Response Management Plan must be prepared by a suitably qualified person and be submitted to Council **prior to the issue of the Occupation Certificate**. The Plan shall include the following:*

- *list of chemicals and maximum quantities to be stored at the site;*
- *identification of potentially hazardous situations;*
- *procedure for incident reporting;*
- *details of spill stations and signage;*
- *containment and clean-up facilities and procedures; and*
- *the roles of all staff in the Plan and details of staff training.*

24. *The installation, storage and handling of flammable and combustible liquids and the like must comply with Australian Standards AS1940:1993 The Storage and Handling of Flammable and Combustible Liquids and must be licensed by WorkCover NSW. A copy of the compliance certificate and WorkCover NSW Dangerous Goods licence being submitted to Council **prior to occupation of the premises**.*

25. *Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course, stormwater or sewerage drainage systems.*

*Full details of the proposed pollution control devices to be installed are to be submitted to and approved by Council's Director of Planning & Community Development in accordance with Section 80 A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued for the development**.*

26. *The paint preparation areas, storage areas, car wash areas, workshop areas and the like are to be covered and bunded to prevent direct entry of rainwater and surface water in accordance with the Environment Protection Authority's Environmental Guidelines and relevant conditions of consent.*

*These areas are to be graded into collection sumps and/or grated drains so that surface effluent generated within the areas is directed into a dedicated drainage system for treatment, storage and disposal. If liquid wastes are to be disposed of to the sewer, a Trade Waste Agreement from Sydney Water is to be obtained. A copy of the licence is to be forwarded to Council as proof of appropriate disposal.*

*Alternatively, disposal of waste is to be conducted in accordance with the Environmental Protection Authority's Waste Tracking Guidelines as described in the Environmental Protection Authority's Waste Regulation under The Protection of the Environment Operations Act 1997 (NSW) and details of compliance must be provided to Council.*

27. *Servicing, detailing and repairs of vehicles (including plant and equipment) must be conducted within the building, in a covered, bunded area.*

28. *The design and construction of air venting systems for spray booths must comply with AS4114.1:1995 Spray painting booths – Design, construction and testing and the Environmental Protection Authority’s Environment Protection Manual – Spray Painting and Surface Coating, WorkCover NSW requirements and The Protection of the Environment Operations Act 1997 (NSW) Regulations. **Details of compliance must be provided with the construction certificate.** A copy of the Environmental Protection Authority’s guideline, Spray Painting and Surface Coating must be located on site.*
29. *Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997 (NSW).*
30. *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.*
31. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.***

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

32. *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.*

*The project specific criteria for noise emissions shall be in accordance with the acoustical report dated 9 September 2004, prepared by ‘Vipac Engineering & Scientists LTD’, when measured at the nearest affected boundary:*

	<b><i>Day (7am – 10pm)</i></b>	<b><i>Evening (6pm – 10pm)</i></b>	<b><i>Night (10pm – 7am)</i></b>
<b><i>Perry Street</i></b>	<i>57 LAeq (15mins)</i>	<i>52.5 LAeq (15mins)</i>	<i>49.5 LAeq (15mins)</i>

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.*
34. *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.*

35. *The hours of operation of the Panel beating Workshop are limited to:*

*Monday to Saturday: 7:00am to 8:00pm*

*Sunday: 10:00am to 6:00 pm*

*Tow Truck Deliveries are restricted to:*

*Monday to Sunday: 6:00am to 12 Midnight*

***The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of fire safety:***

36. *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.*

37. *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.*

38. ***Prior to the commencement of any building works (including necessary upgrading works specified in the conditions of this consent), 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.***

39. ***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.*

40. *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.*

41. *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".*

42. *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.*

*An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*

43. *Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and conditions of consent.*

44. *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.*

45. *The existing levels of fire safety and amenity within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, prior to issuing an occupation certificate:*

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

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

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

46. *Upon completion of the fire safety upgrading works and **prior to the issuing of an occupation certificate**, a final fire safety certificate is to be submitted to Council and a copy of the fire safety certificate and fire safety schedule are to be displayed in a prominent position within the building (ie entrance area), in accordance with the provisions of the Environmental Planning and Assessment Act 1979.*

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

47. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
48. *Any demolition works involving asbestos products are to be carried out in accordance with relevant Work Cover New South Wales requirements, guidelines and codes of practice.*
49. *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.*

50. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

*Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.*

*Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.*

51. *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.*

*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.*

52. *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.*
53. *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.*
54. *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.*
55. *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.*

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

*Details of the proposed sediment control measures are to be detailed in a site 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.*

57. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

*Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*

58. *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.*

*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.*

*Hoardings and 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 access and facilities for people with disabilities:***

59. *To provide reasonable access for persons with disabilities, a suitable access ramp is to be provided to the office building to the satisfaction of the certifying authority and details are to be included in the construction certificate.*

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

60. *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 Council or a Council approved subcontractor to carry civil works such as modifying the vehicular crossing to the subject site.*

a) \$700.00 - *Damage / Civil Works Security Deposit*

*The damage/civil works security deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the required civil works by Council or a Council approved subcontractor.*

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

61. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Repair/replace any damaged sections of footpath and kerb and gutter along the full site frontage.*
- b) *Re-turf the nature strip along the full site frontage to Council's specification.*
62. *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.*
63. *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.*

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

64. *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 the re-surfaced yard area/driveway, must:*

- *Match the level at the back of the existing vehicular crossing.*

*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.*

65. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*

66. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$110.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

67. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the level at the back of the existing footpath along the full site frontage.*

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

68. *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.*

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

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

70. *All new floor areas including the car washing bays shall be above RL 5.89 metres (AHD).*

71. *All site stormwater must be discharged (by gravity) to either:*

- a. *Council's underground drainage system in Perry Street via a new and/or existing kerb inlet pit;*

*AND/OR*

- b. *The Sydney Water controlled stormwater channel located to the south east of the development site via a private drainage easement (subject to approval by Sydney Water).*

*AND/OR*

- c. *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system);*

*Notes:*

- *All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
- *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. All external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*

72. *Should stormwater be discharged to Council's underground drainage system a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*

73. *Should stormwater runoff from the site be discharged directly into the Sydney Water controlled stormwater channel, the applicant shall liaise directly with Sydney Water regarding their requirements for discharge of stormwater. The applicant shall comply with all requirements of Sydney Water regarding site stormwater disposal to the channel.*

*Proof of compliance with Sydney Water's requirements shall be submitted to the certifying authority prior to the issuing of a construction certificate (if discharge to the Sydney Water controlled stormwater channel is proposed).*

74. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system and/or the Sydney Water stormwater channel*

*Should no formal overland escape route be provided for storms greater than the design storm, the infiltration system shall be sized for the 1 in 100 year storm event.*

75. *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 and/or infiltration system.*
  - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.*
  - d) *The separate catchment areas within the site (clearly defined as pervious or impervious), draining to each collection point or surface pit.*
  - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
  - f) *Proposed finished surface levels and grades 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.*
76. *All stormwater run-offs 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.*
77. *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.*
78. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
79. *A sediment/silt arrester pit must be provided:-*
- a) *Within the site at or near the site boundary prior to the site stormwater discharging by gravity to the Sydney Water Channel and/or Council's street drainage system; and*
  - b) *Prior to stormwater discharging into any absorption/infiltration system.*

*The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*

- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- *A sign adjacent to the pit stating:*

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

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

80. *Seepage water must not be drained from the site.*
81. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) *Finished site contours at 0.2 metre intervals;*
  - b) *The location, diameter, gradient and material (ie PVC, RC etc) of all stormwater pipes;*
  - c) *Details of any infiltration/absorption systems.*
82. *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.*
83. *The car washing bays shall be covered and drained to the sewer to the requirements of Sydney Water. Proof of compliance with this requirement is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
84. *The car washing bays must be graded towards the sewer outlet and constructed with a minimum 20mm bund around the perimeter (or equivalent).*

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

85. *A landscape plan showing all proposed planting within the two garden beds on either side of the vehicle entry/exit, together with the position, canopy spread (location of dripline) and height of trees to be retained along the Perry Street frontage shall be submitted to, and be approved by, the Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*
86. *The nature strip 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 completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
87. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
88. *Approval is granted for the removal of the following trees subject to the provision of landscape treatment along the Perry Street frontage of the site.*
  - a) *One Populus deltoids (Poplar) on the eastern side of the existing two storey office building*
  - b) *Two Schefflera actinophylla (Umbrella Trees) near the northwest corner of the existing two storey office building*
  - c) *One Eucalyptus species (Gum tree) on the western side of the existing driveway*
  - d) *One Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) on the western side of the existing driveway.*
89. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$2,000.00 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.*
90. *The contribution shall be paid into Landscaping Bond Code R41 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.*
  - a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
  - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months*



*from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

**ADVISORY MATTERS:**

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

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

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Part C2 - Compartmentation and separation*
- d) Part D3 - Access for people with disabilities*
- e) Part E1 - Fire fighting equipment*
- f) Part E4 - Emergency lighting, exit signs & warning systems*
- g) Part F4 - Light and ventilation*

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

*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/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

*The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.*

- A3. *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.*

- A4. *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: (Belleli/Nash) SEE RESOLUTION.**

**6.7 DEVELOPMENT APPLICATION REPORT - 7 WHITE AVENUE MAROUBRA. (D/277/2004)**

H20 **RESOLUTION: (Belleli/Bastic) that:**

- A. *Council's original determination of Development Application No. D/277/2004 dated 18 June 2004 to refuse consent to the application seeking to make alterations and additions over the approved garage at 7 White Avenue Maroubra, be rescinded.*
- B. *Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. D/277/2004 for permission to make alterations and additions over the approved garage for 7 White Avenue Maroubra subject to the following conditions:*

- 1 *The development must be implemented substantially in accordance with the plans numbered 04/011, dated 15/04/2004 and received by Council on 2 December 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 addition are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*
- 3 *The design and colour of the roof tiles to the proposed building/s are required to match, as closely as possible, the material and colour of the existing roof.*

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

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

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

- 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.*

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

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

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

- 8 *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.***

- 9 *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.*
- 10 *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.*
- 11 *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
  - i) *appoint a Principal Certifying Authority for the building work, and*
  - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
  - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*

- iv) *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

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

- 12 *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.*

- 13 *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".*

- 14 *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (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.*

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

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

*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.*

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

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

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

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

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

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

- 18 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.*
- 19 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.*
- 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 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.*
- 22 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.*

- 23 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.*
- 24 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.*

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

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

**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.*

**MOTION: (Belleli/Bastic) SEE RESOLUTION**

**7. MISCELLANEOUS.**

**7.1 DIRECTOR, CITY PLANNING REPORT 10/2005 - RETROSPECTIVE CONSTRUCTION CERTIFICATES. (F2004/06353)**

H21 **RESOLUTION: (Nash/His Worship the Mayor, Cr M. Matson) that:**

- a) *Council officers prepare and forward to DIPNR, correspondence advising of this recent Court decision and the ramifications of such, upon the Certification of Development process under Part 4A of the Environmental Planning and Assessment Act 1979,*
- b) *Council officers prepare written representations to the Department of Local Government and the Local Government and Shires Association seeking support in respect to the necessary legislative reform to expressly require the issuing of prospective Construction Certificates; and*
- c) *Council officers prepare and forward written submissions to the Department of Local Government and the Local Government Association of New South Wales, calling for necessary legislative reform so that, whilst not encouraging or facilitating the carrying out of building work without a prior construction certificate, the Environmental Planning and Assessment Act 1979 (NSW) provide for a scheme which:*
  1. *Is able to manage and effectively deal with such occurrences as in the Marvan Properties Pty Limited v. Randwick City Council case;*



2. *Resolves the stalemate between a Council and a developer in circumstances such as that case;*
3. *Allows a building to be legally occupied, notwithstanding the fact that such building works have been unlawfully commenced and in the absence of a construction certificate having been obtained prior to the commencement of such works (for example, through a revised building certificate process under section 149E of the Environmental Planning and Assessment Act 1979 (NSW)); and*
4. *Allows for the full cost recovery by a Council in considering and issuing a building certificate as contemplated by point 3 above.*

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

**7.2 DIRECTOR, CITY PLANNING REPORT 11/2005 – DRAFT MEDIATION POLICY. (F2004/07467)**

H22 **RESOLUTION: (Bastic/Notley-Smith) that:**

- a) *Council exhibit the Draft Mediation Policy and Mediation Guidelines; and*
- b) *Council seek expressions of interest from suitably qualified, experienced and accredited mediators.*

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

**8. GENERAL BUSINESS.**

**8.1 RETIREMENT OF RANDWICK CITY COUNCILS PUBLIC OFFICER – MR PETER SMITH. (F2004/06958)**

H23 **RESOLUTION: (Notley-Smith/White) that the Mayor and Deputy Mayor be authorised to organise an appropriate tribute to Peter for his dedicated service to Council over the last twenty years.**

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

**9. NOTICE OF RESCISSION MOTIONS.**

Nil.

The meeting closed at 9.02 p.m.

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CHAIRPERSON