

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 26TH APRIL, 2005 AT 6:28 P.M.**

PRESENT:

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

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

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews (from 6.35 p.m.), C. Bastic & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. G. Banting.
Acting Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager, Technical Services	Mr. M. Shaw.
Manager, Development Assessment	Mr. K. Kyriacou.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.

1. COUNCIL PRAYER

The Council Prayer was read by Cr Belleli.

2. APOLOGIES.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 22ND MARCH, 2005.**

166 **RESOLUTION:** (*Belleli/Notley-Smith*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd March, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Belleli declared a Non-Pecuniary interest in Item No. 6.4 – Mayor’s Minute 47/2005 – South Maroubra Community Fair as his wife has been approached by the Benevolent Society to provide entertainment at no charge.

RESOLVED: (Procopiadis/White) that the meeting be adjourned at 6.30 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Miss Suzanne Egan, 172A Doncaster Avenue, Kensington on Item 6.3, Mayor’s Minute 46/2005 – Clarification of Lenthal Street’s Status as a Local Road and establishing Council’s Authority in Local Street Traffic Issues.
2. Mr Lucas Boardman, 1/141 Mount Street, Coogee on Item 6.6, Mayor’s Minute 49/2005 – Extension of Darley Road Bike Path East through Darley/Avoca Intersection.
3. Mr Mark Hoffmann, Galvin Street, Maroubra on Item 7.1, General Manager’s Report 15/2005 - Draft 2005-08 Management Plan.
4. Mr Michael McMahan, 23 Byrne Crescent, Maroubra on Item 10.3, Director, City Planning Report 22/2005 - 25 Byrne Crescent, Maroubra.
5. Miss Jocelyn Castile, 25 Byrne Crescent, Maroubra on Item 10.3, Director, City Planning Report 22/2005 - 25 Byrne Crescent, Maroubra.
6. Mr Karl May, 1/586 Crown Street, Surry Hills on Item 10.4, Director, City Planning Report 23/2005 - 120 Brook Street, Coogee.
7. Mr Tim Cavanagh, 36 Shakel Avenue, Clovelly on Item 10.5, Director, City Planning Report 24/2005 - 30-32 Eastbourne Ave, Clovelly.
8. Ms Rozita Leoni, 3/41 Minneapolis Crescent, Maroubra on Item 12.1, Notice of Rescission Motion by Councillors Andrews, Bastic, Daley, Procopiadis & White - Ordinary Council Meeting, Tuesday, 22nd March, 2005 – Item 8.7 - Director, City Services’ Report 29/2005 - Strategic Plan for Parking Meter Operation.
9. Mr John Deegan, 15 Mermaid Avenue, Maroubra on Item 12.1, Notice of Rescission Motion by Councillors Andrews, Bastic, Daley, Procopiadis & White - Ordinary Council Meeting, Tuesday, 22nd March, 2005 – Item 8.7 - Director, City Services’ Report 29/2005 - Strategic Plan for Parking Meter Operation.
10. Miss Suzanne Egan, 172A Doncaster Avenue, Kensington on Motion Pursuant to Notice by Cr Nash - Land Use, Traffic & Transport Plan.

RESOLVED: (Seng/Nash) that the meeting be resumed at 7.39 p.m.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Sullivan) that items 12.1 and 12.8 be brought forward and dealt with as the first items of business due to the large number of people in attendance with an interest in these matters.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 44/2005 - SALVATION ARMY'S RED SHIELD APPEAL - REQUEST FOR WAIVING OF FEES FOR INSTALLATION OF BANNER ACROSS COOGEE BAY ROAD. (98/S/2311)

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

- a) *Council vote to waive the fees associated with the installation and dismantling of a banner across Coogee Bay Road and funds be allocated from the Contingency*

Fund 2004/05;

- b) the Appeal organisers undertake to appropriately and prominently acknowledge and promote Council's contribution during the campaign; and*
- c) the Mayor or his representative be given the opportunity to address the Appeal on behalf of Council.*

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

6.2 MAYOR'S MINUTE 45/2005 - CLAREMONT COLLEGE, RANDWICK - REQUEST FOR WAIVING OF FEES ASSOCIATED WITH INSTALLATION OF BANNER ACROSS COOGEE BAY ROAD. (98/S/2311)

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

- a) Council vote to waive the fees associated with the installation and dismantling of a banner across Coogee Bay Road and funds be allocated from the Contingency Fund 2004/05;*
- b) the Spring Fair organisers undertake to appropriately and prominently acknowledge and promote Council's contribution during the campaign; and*
- c) the Mayor or his representative be given the opportunity to address the Fair on behalf of Council.*

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

6.3 MAYOR'S MINUTE 46/2005 – CLARIFICATION OF LENTHAL STREET'S STATUS AS A LOCAL ROAD AND ESTABLISHING COUNCIL'S AUTHORITY IN LOCAL STREET TRAFFIC ISSUES. (F2004/08251)

(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE ORDINARY COUNCIL MEETING ON TUESDAY, 24TH MAY, 2005.)

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

- a) informs the NSW Roads Classification Review Panel that it wishes to withdraw its submission of 30th August 2004 concerning Lenthal Street and that Council deems Lenthal Street to be a "local road";*
- b) writes to the RTA reiterating its recent resolution to suspend support for the proposed Southern Cross Drive Access ramps until either an EIS or REF is concluded and advise that we have now also withdrawn our re-classification submission concerning Lenthal Street;*
- c) writes as a matter of urgency to the State Government noting reports that the capacity of the Eastern Distributor and the M5 East may be expanded and urging;*

- i. *that Council requests acknowledgement of, and responses to our call for a Regional Traffic and Transport Planning Process;*
 - ii. *that both the approved expansion of Sydney Airport and any proposed motorway expansion are considered under the EIS or REF intended for the Southern Cross Drive Access Ramps proposal; and*
 - iii. *that either the implementation of light rail to the Airport or the expansion of existing heavy rail services be adopted rather than major road expansions;*
- d) *writes to Heffron MP Kristina Keneally asking her to:*
- i. *clarify her personal support for, or opposition to, the reported expansion of the capacity of the Eastern Distributor and the M5 East;*
 - ii. *recognise that her current project of attempting to draft a LATM is dangerously pre-empting the REF process for the Access Ramps and is effectively high jacking Councils delegated authority for deciding traffic matters in local streets, and to desist from doing so;*
- e) *writes to the Premier, the Leader of the Opposition and Greens Upper House MLC Lee Rhiannon asking for the behaviour of Heffron MP Kristina Keneally to be raised in State Parliament with a request that she desist from both pre-empting the ramp approval process and attempting to supplant Council's authority over local streets;*
- f) *supports the implementation of the half road closure of Lenthall Street at Epsom Road, in a direction to be determined by public submissions, with entry only for buses and emergency vehicles, with a report to be brought back to Council; and*
- g) *deems Lenthall Street to be a local residential street and deems it not to be a collector road under Council's road hierarchy nomenclature and this be referred to the Randwick City Council Traffic Committee for their concurrence.*

MOTION: (His Worship the Mayor, Cr M. Matson) that the recommendation outlined in the Mayor's Minute 46/2005 be adopted. **CARRIED - SEE RESOLUTION.**

AMENDMENT TO MOTION: (Procopiadis/Sullivan) that Council supports the implementation of the half road closure of Lenthall Street at Epsom Road, in a direction to be determined by public submissions, with entry only for buses and emergency vehicles, with a report to be brought back to Council. **CARRIED - SEE RESOLUTION.**

FURTHER AMENDMENT TO MOTION: (Hughes/Woodsmith) that Council deems Lenthall Street to be a local residential street and deems it not to be a collector road under Council's road hierarchy nomenclature and this be referred to the Randwick City Council Traffic Committee for their concurrence. **CARRIED - SEE RESOLUTION.**

FURTHER AMENDMENT TO MOTION: (Bastic/Daley) that clauses (d) and (e) be deleted as criticisms of the Local Member for Heffron are inappropriate. **LOST.**

Crs Andrews, Bastic, Daley, Procopiadis, Sullivan, Tracey and White requested that their names be recorded as opposed to the resolution.

**6.4 MAYOR'S MINUTE 47/2005 – SOUTH MAROUBRA COMMUNITY FAIR.
(F2004/06574)**

(Note: Cr Belleli declared a non-pecuniary interest in this matter (See Item 4a) and left the Council Chamber taking no part in discussion of and voting thereon.)

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

- a) *approves the use of Coral Sea Park for the Community Fair on Saturday 28 May 2005 on the condition that the fair must be confined to the western side of the park to avoid clashing with the Maroubra United Soccer Club's activities on the same day;*
- b) *waives any fees required and funds be allocated from the Contingency Fund 2004/05;*
- c) *agrees to be regarded as part of a joint venture with the Benevolent Society and the Shack Youth Services for the staging of the fair;*
- d) *will consider any further requests for financial assistance arising under the joint venture; and*
- e) *expresses it's thanks to the Maroubra United Soccer Club for their cooperation in the staging of the fair.*

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

**6.5 MAYOR'S MINUTE 48/2005 – RANDWICK CITY COUNCIL LEASE TO
RANDWICK OPEN CARE FOR KIDS INC. (F2004/06336)**

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

- a) *notes the General Manager's offer of an extended lease with extra floor space to the Randwick Open Care for Kids Inc (ROCK) to 31st August, 2006; and*
- b) *commits itself to facilitating the location of a suitable alternative long-term site for ROCK and authorises the General Manager to bring back to Council a report assessing options.*

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

**6.6 MAYOR'S MINUTE 49/2005 – EXTENSION OF DARLEY ROAD BIKE PATH
EAST THROUGH DARLEY/AVOCA INTERSECTION. (F2005/00158)**

172 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Council respond favourably to BIKEast's submission by commencing talks with the Centennial Park Trust Authority, the RTA and Waverley Council seeking agreement for the redesign of the Avoca Street and Darley Road intersection to satisfy BIKEast's proposal for a cycle crossing at that point.*

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

7. GENERAL MANAGERS' REPORTS.

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

- a) *the Draft Management Plan be placed on public exhibition for not less than 28 days, from 27 April 2005 to 27 May 2005, inviting submissions from the public;*
- b) *at the conclusion of the period of public exhibition a meeting of Council is held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters, as it considers relevant, Council adopt the Management Plan;*
- c) *money be allocated to kerb and guttering in Galvin Street, Maroubra in the 2005/06 Budget, such funds to come from the unallocated Capital Works Fund with respect to road re-sheeting. In addition, any savings identified in quarterly budget reviews are to be reallocated to the road pavement system;*
- d) *money be allocated to kerb and guttering in Ferguson Street, Maroubra in the 2005/06 Budget, such funds to come from the unallocated Capital Works Fund with respect to road re-sheeting. In addition, any savings identified in quarterly budget reviews are to be reallocated to the road pavement system;*
- e) *a report be brought back to Council on the prioritisation of streets requiring kerb and guttering in Randwick City; and*
- f) *the five (5) year footpath construction programme for Central and South Wards be amended to contain only footpaths located in Central and South Wards.*

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

- a) the Draft Management Plan be placed on public exhibition for not less than 28 days, from 27 April 2005 to 27 May 2005, inviting submissions from the public; and
- b) at the conclusion of the period of public exhibition a meeting of Council is held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters, as it considers relevant, Council adopt the Management Plan. **CARRIED – SEE RESOLUTION.**

AMENDMENT TO MOTION: *(Bastic/Andrews) that money be allocated to kerb and guttering in Galvin Street, Maroubra in the 2005/06 Budget, such funds to come from the unallocated Capital Works Fund with respect to road re-sheeting. In addition, any savings identified in quarterly budget reviews are to be reallocated to the road pavement system. **CARRIED – SEE RESOLUTION.***

FURTHER AMENDMENT TO MOTION: *(White/Daley) that money be allocated to kerb and guttering in Ferguson Street, Maroubra in the 2005/06 Budget, such funds to come from the unallocated Capital Works Fund with respect to road re-sheeting. In addition, any savings identified in quarterly budget reviews are to be reallocated to the road pavement system. **CARRIED – SEE RESOLUTION.***

FURTHER AMENDMENT TO MOTION: (Nash/Notley-Smith) that a report be brought back to Council on the prioritisation of streets requiring kerb and guttering in Randwick City. **CARRIED – SEE RESOLUTION.**

(The Mayor vacated the Chair at 8.46 p.m. and the Deputy Mayor, Cr Notley-Smith assumed the Chair.)

AMENDMENT: (Sullivan/Daley) that the following proposals be included in the 2005/06 Budget:

- i. expansion of the opening hours of Council's call centre to include weeknights and weekends;
- ii. lawn mowing of Council's verges and nature strips for all pensioners in the City;
- iii. provision of rubberised softfall at all Council's playgrounds;
- iv. kerb and guttering of Galvin and Ferguson Streets, Maroubra;
- v. increased grants to surf clubs for fire safety and maintenance upgrades;
- vi. complete refurbishment of the Coogee Commercial Centre;
- vii. increase funding to complete the Frenchman's Bay Plan of Management;
- viii. a study to upgrade the disabled access to Clovelly beach;
- ix. a footpath plan to replace and repair every broken footpath across the City;
- x. a long term plan to fund the complete refurbishment of Kensington Town Centre; and
- xi. a plan to be brought back to Council to provide kerb and guttering to all streets in Randwick. **LOST.**

A division was called for by Crs Andrews and Bastic. Voting was as follows:-

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

FURTHER AMENDMENT TO MOTION: (Andrews/Daley) that the five (5) year footpath construction programme for Central and South Wards be amended to contain only footpaths located in Central and South Wards. **CARRIED – SEE RESOLUTION.**

(The Mayor resumed the Chair.)

RESOLVED: (PROCEDURAL MOTION) (Kenny/Woodsmith) that the Planning items on the agenda be dealt with immediately as there are a number of interested residents in attendance.

(Note: The Director, City Planning reports were then dealt with at this stage of the meeting.)

7.2 GENERAL MANAGER'S REPORT 17/2005 - RENAMING OF STREETS IN PRINCE HENRY DEVELOPMENT SITE. (F2004/07140)

174 **RESOLUTION:** *(Andrews/Woodsmith) that Council receives and notes the General Manager's Report 17/2005.*

MOTION: (Andrews/Woodsmith) CARRIED - SEE RESOLUTION.

7.3 GENERAL MANAGER'S REPORT 18/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/07637 xr F2004/06336)

175 **RESOLUTION:** *(Andrews/Nash) that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and –*

- a) *Dienicy Macedo in relation to a residential lease over the premises located at 5/20 Silver Street, Randwick;*
- b) *Randwick Information & Community Centre in relation to a lease for Suite 1, Ground Floor, 669-673 Anzac Parade, Maroubra, for the purpose of a community centre;*
- c) *Randwick Information & Community Centre in relation to a lease for Office, Level 2, 669-673 Anzac Parade, Maroubra, for the purpose of a community centre;*
- d) *Emma Danielle, Brian Scales, Fiona Gonzalez and Zoe Burke on behalf of Randwick Community Organic Garden in relation to a licence for part of Paine Reserve (No. 63933), for the purpose of operation and management as a community organic garden centre; and*
- e) *South East Neighbourhood Centre Inc in relation to a licence for Stalls 1 & 2, 1 Rainbow Street, Kingsford for the purpose of a packaging room for food distribution.*

MOTION: (Andrews/Nash) CARRIED – SEE RESOLUTION.

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 36/2005 - TREE PRESERVATION/TREE MANAGEMENT POLICIES AND PROCEDURES REVIEW. (F2004/07359)

176 **RESOLUTION:** *(Hughes/Nash) that the revised Randwick City Council Tree Preservation Order 2005 be placed on public exhibition for 28 days with a report to come back to Council, taking into account public submissions.*

MOTION: (Hughes/Nash) CARRIED - SEE RESOLUTION.

8.2 DIRECTOR, CITY SERVICES' REPORT 37/2005 - SIGNIFICANT TREE REGISTER. (F2004/07359)

177 **RESOLUTION:** *(Sullivan/Woodsmith) that Council adopts the model Significant Tree Register detailed above and that it calls for Quotation Requests from suitably experienced consultants for the commissioning and establishment of this Register.*

MOTION: (Sullivan/Woodsmith) CARRIED - SEE RESOLUTION.

8.3 DIRECTOR, CITY SERVICES' REPORT 38/2005 - DOWLING STREET LANDSCAPE BEAUTIFICATION WORKS. (F2004/07515)

178 **RESOLUTION:** (*Nash/Procopiadis*) that landscape works be undertaken along the strip of land adjacent to the sound barrier along Dowling Street, Kensington. Works include the supply and installation of planting, improvement to soil conditions, upgrading of the irrigation system and preliminary maintenance.

MOTION: (*Nash/Procopiadis*) **CARRIED - SEE RESOLUTION.**

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 19/2005 - INTERNAL REPORTING SYSTEM - PROTECTED DISCLOSURES ACT (F2005/00303 XR 98/S/0661)

179 **RESOLUTION:** (*Notley-Smith/Belleli*) that the Director, Governance and Financial Services' Report 19/2005, reviewing the Internal Reporting System – Protected Disclosures Act, in accordance with Clause 12 of Council's Policy No. 1.01.04, be received and noted.

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

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 20/2005 - SISTER CITY RELATIONSHIPS. (F2005/00294)

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

- (a) the information contained in the Director Governance & Financial Services' Report 20/2005 be received and noted; and
- (b) this Council rejoin the Australian Sister Cities Association.

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

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 20/2005 - 1430 ANZAC PARADE, LITTLE BAY. (763/2004)

181 **RESOLUTION:** (*Bastic/Kenny*) that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 763/2004 (known as DA 4) for the Stage 2 construction of infrastructure and streetscape works within the former Prince Henry Hospital Site, 1430 Anzac Parade, Little Bay subject to the following conditions:

REFERENCED PLANS:

- 1. Development must be implemented substantially in accordance with the details shown on
 - a) the drawings prepared numbered C-003 I General Notes , C-054G Typical Pavement Details C-201/2 Cover Sheet, C-202/4 Drawing list and Legends, C-232/E General Arrangement Plans – Sheet 32, C-233/E General Arrangement

Plan – Sheet 33, C-235/8 General Arrangement Plan – Sheet 35, C-236/F General Arrangement Plans – Sheet 36, C-237/H General Arrangement Plans – Sheet 37, C-238/8 General Arrangement Plan – Sheet 38, C-239/8 General Arrangement Plan – Sheet 39, C-240/9 General Arrangement Plan – Sheet 40, C-241/8 General Arrangement Plan – Sheet 41, C-242/7 General Arrangement Plan – Sheet 42, C-243/1 General Arrangement Plan Sheet 33, C-250/7 Pavement Plan Sheet 1 of 3, C-251/7 Pavement Plan Sheet 2 of 3, C-252/6 Pavement Plan Sheet 3 of 3, C-265/1 Miscellaneous Details Sheet 1 of 2, C-266/1 Miscellaneous Details Sheet 2 of 2, C-300/1 Catchment Plan Sheet 1 of 3, C-301/1 Catchment Plan Sheet 2 of 3, C-302/1 Catchment Plan Sheet 3 of 3, C-340/4 Demolition Plan Sheet 1 of 2, C-341/3 Demolition Plan Sheet 2 of 2, DR-02/D Landscape Layout Drawing Register – Streetscape Stage 2, LL-01.1/D Landscape Layout – Streetscape Stage 2, LL-46/17/D Landscape Layout – Streetscape Stage 2, LL-47/18/D Landscape Layout – Streetscape Stage 2, LL-48/19/D Landscape Layout – Streetscape Stage 2, LL-49/20/D Landscape Layout – Streetscape Stage 2, LL-50/21/D Landscape Layout – Streetscape Stage 2, LL-51/22/D Landscape Layout – Streetscape Stage 2, LL-52/23/D Landscape Layout – Streetscape Stage 2, LL-53/24/D Landscape Layout – Streetscape Stage 2, LL-54/25/D Landscape Layout – Streetscape Stage 2, LL-55/26/D Landscape Layout – Streetscape Stage 2, LL-56/27/D Landscape Layout – Streetscape Stage 2, LL-57/28/D Landscape Layout – Streetscape Stage 2, LL-03/B Street Lighting – Streetscape Stage 2, LD-01/A Landscape Detail – Streetscape Stage 2, and LD-02/A Landscape Detail – Streetscape Stage 2.

- b) Statement of Environmental Effect (SEE) prepared by GSA Planning Pty Ltd dated September 2004 containing the Heritage Impact Statement (HIS) dated September, 2004, prepared by Godden Mackay Logan; and*
- c) Conservation Management Plan dated February, 2003 and Archaeological Management Plan dated August, 2002 prepared by Godden Mackay Logan and both endorsed by the NSW Heritage Council.*
- (d) Road Network Specific Element Conservation Plan (SECP) dated July 2003 and the Heritage Impact Statement (HIS) dated September, 2004 prepared by Godden Mackay Logan.*

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

- 2. The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Clearance Instructions or Site Audit Statements for the relevant land must be provided to the Council prior to any infrastructure works commencing.*
- 3. A copy of each Clearance Instruction must be provided to Council for information within 14 days of issue, together with an updated site plan which clearly shows all the areas of the land and lot numbers of the subject land issued with clearance instructions.*
- 4. No infrastructure or construction works are permitted to be undertaken unless the subject land has been remediated in accordance with consent 1188/02 (as amended) and all contamination and cross contamination issues have been*

addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.

5. *The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.*

A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

6. *The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.*
7. *Any new information, which comes to light during demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council immediately.*

The following conditions are applied to maintain reasonable levels of environmental amenity, health, general safety and amenity and public health safety during demolition works.

8. *Noise emissions during works undertaken under this development consent must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
9. *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 construction 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.*
10. *Any hoarding or fences required for the undertaking of the works the subject of this consent must 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.*
11. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of 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.*
12. *Public access to the portions of the site where work is to occur, and to material and equipment is restricted, when work is not in progress or the site is*

unoccupied. Temporary safety fencing to surround the work areas is to be provided to protect the public. The temporary fencing to have a maximum height of 1.8 metres and to 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.

13. *A sign must be erected on the site in a prominent, visible position, prior to commencing any works under this consent, 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 can be contacted outside working hours.*

The following conditions are applied to ensure adequate environmental protection.

14. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*
15. *Operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location, which may lead to the discharge of materials into the stormwater drainage system.*
16. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe’s Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*

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

17. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*

The following condition is to be applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

18. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA) and certified in accordance with Section 116G of the Environmental Planning and Assessment Act 1979.*

Security Deposit Conditions

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

19. *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) \$20000.00 - 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:

20. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works. The 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.*
21. *Prior to the issuing of a construction certificate for the Stage 2 site the applicant shall submit to the Certifying Authority for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, **drainage construction works**, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, play equipment, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council and to the satisfaction of the Certifying Authority. (Note: The engineering specifications for any road construction shall be generally in accordance with the civil infrastructure specification submitted with the development application.*
22. *The **drainage construction** specification and details referred to in the previous condition shall include the following:*
 - *Supply, laying and backfilling of the stormwater pipelines.*
 - *Construction of stormwater pits and other associated structures.*

The applicant shall note the following when preparing the specification:

- a) *All future Council stormwater pipelines shall be constructed with spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). The Council stormwater pipelines shall be a minimum of 375mm diameter. Prior to backfilling, the pipeline shall be inspected and approved by the Certifying Authority.*

Generally backfill material for the pipeline trench shall be: -

- *clean sand.*
- *watered in.*
- *compacted in 150 mm layers with a minimum 97% relative compaction.*

Note that should Council be the Certifying Authority, the applicant shall liaise with Council's Director of Asset and Infrastructure regarding payment for the required inspections (2 working days clear notice shall be given prior to the required inspection/s)

- b) *All standard extended kerb inlet pits shall be constructed:-*

- (i) *in "situ" (a precast pit will be acceptable only in a park or reserve).*
- (ii) *in accordance with Council's drawings SD 3 or SD 8 (subject to the depth and/or the size of the pipeline).*
- (iii) *with a minimum concrete strength of 32 Mpa.*

- c) *All standard junction pits shall be constructed:-*

- (i) *in "situ" (a precast pit will be acceptable only in a park or reserve).*
- (ii) *in accordance with Council's drawing SD 4.*
- (iii) *with a minimum concrete strength of 32 Mpa.*

- d) *All other pits that cannot be constructed to the above details shall be designed by a structural engineer. The detail of the pit/s shall in general, be similar to SD 3 (for an inlet pit) or SD 4 (for a junction pit). Note that all pits shall be:-*

- (i) *benched with a minimum 75 mm concrete.*
- (ii) *constructed with a minimum concrete strength of 32 Mpa.*

23. *The minimum design serviceable life for all road pavements shall be 40 years, (with the minimum design traffic fro the pavement design being 2,000,000 ESAs). All other infrastructure i.e. kerb and gutter, footpaths, retaining walls, pipe drainage etc shall have a minimum design serviceable life of 80 years.*

24. *All civil infrastructure that is to be dedicated to Council must be constructed strictly in accordance with the approved specification and in compliance with the above minimum design serviceable life requirements. The reuse of existing materials, (e.g. sandstone kerb), will only be considered if the materials are reconstructed in accordance with the approved specification and design life standards are guaranteed. Council will not accept care and control of any existing*

infrastructure which is at the end of its serviceable life and is likely to require restoration or replacement in the near to medium future.

25. *The applicant must delete any reference to kerb blisters within the proposed road pavements where the blisters are proposed for either street tree planting or as a surround for vehicular crossings and/or private driveways. Council will consider granting approval for only those kerb blisters that are located at road intersections or proposed pedestrian ways/pedestrian desire lines. The parking lanes shall be constructed in general accordance with the approved design specification for the proposed travel lanes. The applicant shall liaise with Council's Development Engineer regarding kerb blisters prior to lodgement of a Construction Certificate for the roads. Any construction certificates or future development applications for this site must demonstrate compliance with this requirement.*
26. *At locations where pedestrian footpaths are immediately adjacent to the travelling lane of any road a pedestrian safety fence is required that will prevent pedestrians accidentally stepping onto the road travelling lane. Turfed nature strips and/or parking lanes provide an adequate buffer to the travelling lanes. All costs associated with installation of the pedestrian safety fence are to be met by the applicant. Any construction certificate application for this site must demonstrate compliance with this requirement.*
27. *The applicant must meet the full cost for all civil works required in the provision of a suitable concrete footpath going from the intersection of Anzac Parade and Jennifer Street to the Jennifer Street Quadriplegic Society Building. The Jennifer Street footpath works may require the applicant to construct kerb and gutter/associated roadworks for the full Jennifer Street frontage, going from Anzac Parade to the Quadriplegic Society Building, if the footpath is to be located, (kerb and gutter is required to achieve the verge formation to construct the footpath).*
28. *Prior to the lodgement of a Construction Certificate for any part of the development site the applicant shall submit to Council for approval, and have approved, a detailed design for the intersection of EX3 and EX6. The detailed design shall reflect Council's recommendation in the letter to the applicant dated 13/8/2003 and the various meetings held following the 13/8/2003 with the applicant and Council's Assets Coordinator in attendance. The applicant must contact Council's Assets Coordinator prior to undertaking the subject detailed design to obtain Council's requirements for this section of EX3 and EX6.*
29. *Heritage pavement alignment inlays strips in the road pavements shall be deleted as they have the potential to cause safety problems for motorists, particularly at night and if the pavement is wet.*
30. *All civil construction works within/associated with the development site shall be constructed in accordance with the approved engineering details and specifications referred to above and shall be undertaken and paid for by the applicant.*
31. *The proposed Private Driveways shall be designed in concrete with a minimum design serviceable life of forty (40) years. The construction certificate application*

shall demonstrate compliance with this requirement.

32. *All Energy Australia Service Turrets shall be recessed wholly into the property boundaries/behind the prevailing property alignment, so that the turrets do not cause a trip hazard and the turrets do not hinder or obstruct the movement, access and enjoyment of the road reserve. The applicant is advised that should Energy Australia require the turrets to be located within the road reserve the applicant will be required to dedicate land to Council, the dimensions of such dedication/s shall be as required to satisfy all of Energy Australia's requirements.*
33. *Road intersections shall be designed with a minimum turning radius of 10.5 metres. Larger trucks such as 12.5 metre removalist trucks must be able to navigate the intersections without mounting kerbs but may mount medians provided that the medians are reinforced to the satisfaction of Council. Plans detailing the adequacy of all intersection with respect to truck movements must be submitted to Council for approval prior to the issuing of a Construction Certificate for construction of the roads.*
34. *The applicant shall provide asset data, and transfer all data, in relation to all infrastructure and assets intended to be transferred into Council management, into Council's asset management systems. The data shall be collected in a suitable form and transferred into Council's assets management systems at the applicants cost. The applicant is advised to contact Council's Assets Co-Coordinator to discuss Council's requirements for the asset data.*
35. *All quality tests and infrastructure certifications shall be submitted for Council's acceptance prior to Council releasing the plan of subdivision and the acceptance of infrastructure that is to be transferred to Council's care and control.*
36. *The applicant shall meet the full cost for the design and construction of all new civil infrastructure, traffic facilities and alterations to existing infrastructure associated with development of the Stage 2 site.*

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".

37. *A Construction Traffic Management Plan for this application must be prepared and approved by Council and RTA/Regional Traffic Committee (if required) prior to the commencement of any site construction works. The approved Construction Traffic Management Plan shall be complied with at all times.*
38. *All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.*
39. *Any required retaining walls are to be located clear of road reserves proposed for dedication to Council and must remain under the care and control of Landcom, (i.e. not under Council's care and control). The walls would need to be setback sufficiently from the road reserve boundaries such that all required drainage infrastructure, (i.e. drainage behind the retaining walls), can be provided clear of the road reserves.*

40. *The minimum design traffic for the flexible pavement design for all internal roads shall be 2,000,000 ESAs.*
41. *The minimum design serviceable life for all road pavements shall be 40 years, (with the minimum design traffic for the pavement design being 2,000,000 ESAs). All other infrastructure i.e. kerb and gutter, footpaths, retaining walls, pipe drainage etc shall be designed in strict accordance with the Council approved specification and engineering details. Any infrastructure that is not referred to in the Council approved specification and engineering details shall have a minimum design serviceable life of 80 years.*
42. *Prior to the issuing of a construction certificate the applicant shall submit to Council for approval, and have approved, design details for any proposed on road cycleway, (in particular details of the linemarking). Design of the cycleway shall be in accordance with the Austroad Guidelines.*
43. *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 construction works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
44. *All external work carried out on Council property shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*

The following conditions are applied to provide adequate consideration for excavating Council's footpath

45. *Details of any cutting or filling works required within the road reserve in order to gain access to the site to carry out the excavation and building works must be submitted to and approved by the Director of Asset and Infrastructure Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of such construction works on the development site. The cutting and filling work must be carried out by the Council, or by a contractor appointed by the applicant with the approval of the Council, at the applicant's cost.*

Alignment Level Conditions

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

46. *The design alignment level at the Jennifer Street property boundaries for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of any site construction works.*

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

47. *The above alignment levels and the site inspection by Council's Department of*

Asset & Infrastructure Services have been issued at a prescribed fee of \$2500. This amount is to be paid prior to a construction certificate being issued for the development.

48. *The design alignment levels issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the civil plans for the proposed development. The design alignment level at the street boundaries, as issued by the Council, must be strictly adhered to.*

Service Authority Conditions

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

49. *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.*
50. *All public utility services located within the development site shall be suitably located underground and in compliance with the requirements/conditions imposed by the various service authorities.*
51. *Prior to issuance of a construction certificate for any relevant part of the development, the applicant must submit to the certifying authority documentary evidence from each relevant public utility authority confirming that those requirements which the public utility authority requires to be satisfied prior to issue of a construction certificate, have been satisfied.*
52. *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.*

Note: *Suitable easements for the utility services and documentation from the associated utility service provider that all services have been installed to their requirements and satisfaction shall be submitted to The Certifying Authority prior to the release of the linen plans and prior to Council accepting dedication of any part of infrastructure in which the services are located.*

Note: *there shall be no kiosks/substations located within the future or existing Council road reserve. Any kiosk/substation shall be located to the satisfaction and approval of Council and Energy Australia.*

53. *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.*

54. *All street lighting and lighting within reserves shall be installed in accordance with the relevant Australian Standards and Roads and Traffic Authority standards for lighting of residential streets, collector roads, intersections, pedestrian and cycle ways and public reserves.*
55. *Prior to relevant construction works, the applicant shall submit and have approved by Council a compilation plan of all the public utilities.*

Note that all public utilities that are parallel to the existing or proposed Council stormwater drainage pipelines shall be sufficiently clear of the pipeline such that Council could access the pipeline without the need for alteration to/relocation of the service. All site services shall be provided underground.

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

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

Drainage Conditions

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

57. *Prior to the issuing of a Construction Certificate for construction of the roads the applicant shall submit to the Certifying Authority for approval, and have approved, a detailed stormwater drainage plan. The applicant must liaise with Council, prior to preparation of the drainage plan, to obtain Council’s requirements for drainage works within, and adjacent to the development site.*

Details shall include, but not be limited to:

- *A detailed drainage study/analysis identifying the catchment areas upstream of the site and the stormwater flows generated from these catchments, together with the catchment areas within the site and the flows generated from it. The study/analysis shall identify the overland flow rates and depths of flow from storm events up to the 1 in 100 year annual recurrence interval within the streets of the subdivision. Information submitted shall be generally in accordance with the flood study requirements of the latest draft “FLOODPLAIN MANAGEMENT MANUAL” (ISBN 07313 0370 9).*
- *Confirmation of the existing and proposed finished surface levels within the development site. Documentation of the change in surface levels is required together with volumes of material imported or exported from the site.*

- *Gross pollutant trap details (GPT). Note that any proposed GPT shall be designed in accordance Council's specification and guidelines for determining Gross Pollutant Trap/s. The GPT's are to be located within the road carriageway.*
- *Stormwater drainage plans, pipeline longitudinal sections and calculations in general accordance with the recommendations of the Floodplain Management Manual" and " Australian Rainfall and Runoff, 1997 Edition).*
- *Typical cross sections for all roads, laneways, private laneways/right of carriageways.*

Prior to the final inspection or the release of the linen plans, a copy of the above approved plans and details shall be submitted to Council.

58. *The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall be submitted to and approved by the Principal Certifying Authority prior to the issuing of a Construction Certificate. The details shall include the following information:*

- a) *A detailed drainage design at a scale of 1:200 and a catchment area plan at a scale of 1:1000 or as considered acceptable by the Certifying Authority, 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.*

Note: Generally all proposed stormwater drainage pipelines shall be capable of discharging a minimum 1 in 20 year storm flow.

- c) *Proposed finished surface levels and grades of roads, parks, internal driveways and access aisles, which are to be related to Council's design alignment levels.*
- d) *Details of all stormwater overland flowpaths, (volume, depth, width and safety factor).*
- e) *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.*
- f) *A drainage plan and longitudinal section with all utility services accurately plotted for this stormwater pipeline must be provided. It should be noted that notwithstanding the calculations, the minimum pipe diameter acceptable within Council's street system and/or easement is 375mm.*
- h) *All public utility services, where they are to be laid parallel to the Council stormwater pipeline, shall be located a minimum of 1.5 metres from the*

centreline of the stormwater pipeline.

Prior to the final inspection or the release of the linen plan, or as may be agreed with the Principal Certifying Authority, a copy of the approved plans and details shall be submitted to Council.

59. *The proposed internal roadways, drainage easements and overland flow routes shall be designed to drain the 1 in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (i.e. $VD < 0.4$). The maximum ponding depth of water in the proposed Crescent Park WSUD swale is not to exceed 300mm.*
60. *On-site detention must be provided for any part of the site draining in a general westerly direction towards Anzac Parade to ensure that the maximum discharge from this area/s 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 area/s 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. The calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage shall demonstrate compliance with this requirement.*
61. *All interallotment stormwater drainage lines must be designed, as a minimum, to accommodate stormwater flows generated by the 1 in 20 year storm event. Suitable width easements are to be created over the line of any interallotment drainage system in conjunction with any plan of subdivision for the development site, (the pipeline is to be centrally located within the easement). In the situation where no legal overland flow route exists for flows generated by storm events greater than the 1 in 20 year storm event the interallotment drainage line and the required drainage easement must be capable of containing within the easement and discharging storm water flows generated by storm events up to the 1 in 100 year storm event.*

The minimum easement width shall be 1.0 metre for lightweight pipes up to and including 300mm in diameter. Easement widths for drainage lines that are not lightweight, (e.g. concrete), and larger than 300mm in diameter should be sufficient to enable maintenance equipment to access the pipeline.

Stormwater design details, together with proposed easement widths, shall be submitted to the certifying authority for approval, and be approved, prior to the issuing of a construction certificate.

62. *A work-as-executed plan, prepared and signed by a registered surveyor and a suitably qualified hydraulic engineer, must be submitted to the Principal Certifying Authority and be approved, within four weeks of completion of the works and prior to then being made available for public use. The work-as-executed plan shall be submitted with documentary evidence demonstrating compliance with the stormwater drainage development conditions and the plans approved by the Certifying Authority and Council's Director of Assets and*

Infrastructure Services.

The work-as-executed plan shall detail the location and finished surface levels of all civil works within and adjacent to the site including (but not limited to)

- *the roads,*
- *stormwater drainage pits (including the internal dimensions, surface and invert levels, lintel size etc)*
- *pipelines (including the invert levels. pipeline diameters)*
- *overland flow paths, (including the volume, depth and width of the flow path) etc. with finished surface level contours at 0.2 metre intervals.*
- *utility services locations size and depths/levels*
- *levels of the resultant lot/s*

For the overland flow paths the following details must be included:-

- a) *cross sections showing the 1 in 100 year water level and the extent (depth and width)*
- b) *resultant gradients*

***Note:** Upon completion of the works, or the period as may be agreed with the Principal Certifying Authority, a copy of all WAE civil drawings, approved civil drawings, stormwater calculations (on hard copy and on disk) are to be submitted to Council.*

63. *The applicant's engineer shall carry out site inspections and certify that all civil structural works within Council's road reserve (eg all steel reinforcement, concrete works, laying of pipelines, pavements, etc.) have been constructed and inspected under his/her supervision.*

The engineer must also certify that the civil and stormwater drainage works, (including any GPT's) have been constructed:-

- (i) *in accordance with the approved plans and conditions of consent and Master Plan*
- (ii) *to the requirements of the Council approved specification. in a workman like manner.*
- (iii) *to his/her requirements and satisfaction.*
- (iv) *to the manufacturer's requirements and conditions, (eg GPT's)*

64. *Any existing Council controlled stormwater pipeline/s that burden the site, shall be fully protected during all excavation and construction works. Details of how it is proposed to protect and maintain Council controlled pipelines during the construction works shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works. Design/construction details for any pipeline reconstruction works deemed necessary by Council, in consultation with the applicant, shall be submitted to the Principal Certifying Authority for approval, and be approved, prior to the commencement of any site construction works.*

The applicant shall liaise with Council's Development Engineer to reach an agreed position on the need for existing Council stormwater pipelines that are

located under a road pavement to be reconstructed with a new stormwater drainage pipeline.

65. *Prior to the finalisation of works, the applicant shall submit to the Principal Certifying Authority CCTV videos of all existing and to be dedicated Council stormwater pipelines for the drainage of stormwater through the site and Garden Street. Such CCTV shall inspect all stormwater pipes for any construction damage.*

The applicant shall note that should this pipeline be damaged, Council will require that the damaged pipeline be reconstructed together with junction pits at each end where the pipeline reconstruction works are located. All costs associated with removing and constructing the pipeline and associated works shall be met by the applicant.

66. *Any Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Council's satisfaction for a minimum period of 12 months from the date of completion of all civil works.*
67. *Construction zone run-off controls (hay bales, sedimentation basins etc.) are to be inspected regularly and during and after rainfall to assess performance. Weekly reports on effectiveness/maintenance of all sedimentation controls and practices are to be provided to the Principal Certifying Authority.*
68. *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.*

Waste Management Conditions

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

69. *Prior to the issuing of a Construction Certificate for construction of the roads the applicant shall submit to the Principal Certifying Authority for approval, and have approved, the proposed method for collection of domestic waste for the development site. The applicant shall note that satisfactory collection of domestic waste may require alterations/modifications to the proposed road network and or travel lane/footpath/parking lane configuration of the road network.*

Open Space/Public Domain Conditions

70. *Prior to the commencement of road construction works a Public Domain Plan for the site is to be submitted to Council for approval, and be approved. Such a plan shall demonstrate the strategies that are proposed for the urban design of the public domain (including open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. These strategies shall be consistent with the Master Plan that has already been accepted*

by Council and Council's management requirements. The strategies will include

- tree planting strategy,
- water management strategies,
- footpath strategy,
- Park planning strategy

Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):

- Street tree planting
- Design of public parks
- Park planting
- Footpath treatments
- Street furniture
- Street lighting
- Street signs
- Kerb ramps
- Park lighting
- Automatic irrigation systems
- Water features
- Playgrounds
- Pavements
- Retaining walls and balustrades
- Bicycle facilities
- Bus shelters
- Shade structures

The Public Domain Plan shall be complied with and any future development application submissions should be in general accordance with the approved Public Domain Plan.

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

71. Council will not accept dedication/care and control of any public reserve, road or other asset, (eg stormwater pipeline), until it is satisfied that all civil construction works, building works and landscape works have been carried out in accordance with the approved design plans and specifications and that all conditions of development consent relating to the area to be dedicated have been complied with.

The following Conditions are applied to provide adequate provisions for the protection of bushland, including Eastern Suburbs Banksia Scrub.

72. Prior to the release of the construction certificate the applicant must provide the Department of Environment and Conservation with at least 20% of the agreed \$100,000 compensatory monies to manage Eastern Suburbs Banksia Scrub in the Botany Bay National Park ("initial contribution"). The balance of the money, (i.e.

\$100,000 minus the initial contribution), must be paid to the Department of Environment and Conservation within 2 years from the date of payment of the initial contribution.

73. *Prior to commencement of any site construction works the applicant must submit to Council for approval, and have approved, end dates for the completion of the 5-year Bushland Management Plan works for bushland areas R4, R5 and R7. The Bushland Management Plan shall be amended to reflect the works program and copies of the amended Bushland Management Plan shall be submitted to Council for its records.*
74. *All plans submitted for approval with any construction certificate for works within, or adjacent to the area identified as Management Areas "R4, R5, and R7" in the Bushland Management Plan must be prepared in compliance with the relevant provisions of the Council approved Bushland Management Plan.*
75. *The applicant must comply with the Council approved Bushland Management Plan when carrying out any works that are the subject of this consent. The Bushland Management Areas referred to as R4, R5, and R7 in the Bushland Management Plan must be protected in strict compliance with the Council approved Bushland Management Plan,.*
76. *A refundable deposit, in the form of cash or cheque, for the amount of \$20,000.00, shall be lodged with Council prior to issuing of a construction certificate for this application. The refundable deposit is placed as security to ensure that, subject to the works required and/or authorised by this development consent, no detrimental environmental effect occurs within or to Eastern Suburbs Banksia Scrub or Bushland Management Areas R4, R5 and R7. The refundable deposit will be released at the time of completion of all works, providing that no detrimental environmental effect has occurred within or to Eastern Suburbs Banksia Scrub or Bushland Management Areas R4, R5 and R7 throughout the proposed works. Any contravention of Council's Bushland Conditions at any time during the development may result in the Council claiming all or part of the lodged security to the extent necessary to enable Council to carry out necessary repair or ameliorative works within or to Eastern Suburbs Banksia Scrub or Bushland Management Areas R4, R5 and R7.*
77. *Council must be provided with a copy of the Part 3A permit from Department of Infrastructure Planning and Natural Resources prior to commencement of construction.*

Landscape Conditions

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

78. *Landscaping shall be installed substantially in accordance with the landscaped areas shown on the Landscape Layout Streetscape Stage 2, plan number DR-02, LL-01.1, LL-46/17, LL-47/18, LL 48/19, LL-49/20, LL-50/21, LL-51/22, LL-52/23, LL-53/24, LL-54/25, LL-55/26, LL-56/27 and LL-57/28 issue D, LL-03 issue B, LD-01 and LD-02 issue A, project 354, dated 07/09/04. Additional information including details and specifications are to be submitted to, and be 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. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- c. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- d. *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.*
- e. *Location of easements within the site and upon adjacent sites (if any).*

79. *The landscaping shall be installed in accordance with the approved documentation referred to in condition 78 prior to the use of the roads by members of the public and prior to dedication of the roads to Council and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) prior to dedication to Council or use of the roads by members of the public which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

80. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas, including street trees and verge plantings. Such a 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.

81. *Prior to Council accepting dedication of the proposed works, the applicant will be required to provide Council with all relevant details of the irrigation system such as, but not limited to, 'as built' drawings, manuals, parts lists, supplier/installer details, warranties and guarantees. Council will not accept dedication until this information is received to our satisfaction.*

82. *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.*

The naturestrip within the 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.

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

84. *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.*

85. *Approval is granted for the removal from the Stage 2 site of those trees identified for removal in the Tree Report prepared by Treescan Urban Forest Management and dated April 2003. The construction certificate application shall make detailed reference to those trees that are to be removed and clearly identify those trees that are to be retained and protected in accordance with the Tree Report prepared by Treescan Urban Forest Management and dated April 2003 in conjunction with the proposed works.*

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

The following conditions are imposed to reflect the requirements of the integrated authorities in relation to Heritage Issues

87. *Prior to works commencing under this consent the Applicant is to consult with the Department of Environment and Conservation and obtain any necessary approvals under section 90 of the National Parks and Wildlife Act, 1974 as may be required.*

Nominated Heritage Consultant

88. *A heritage consultant shall be nominated for the works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the works. The name and experience of this consultant shall be submitted to the Director of the Heritage Office for approval prior to the release of the*

construction certificate.

89. *The consultant shall advise on the detail design resolution of new elements, undertake on site heritage inductions, inspect the demolition and removal works to maximise reuse and protection of salvageable material, construction of new elements, design and installation of services (to minimise impacts on significant fabric and views), and manage the implementation of the conditions of approval.*
90. *A report by the consultant (illustrated by works' photographs) shall be submitted to the Director of the NSW Heritage Office for approval within 3 months of the completion of the works, which describes the work, any impacts/damage and remedial works carried out.*

Natural Heritage:

91. *Concerning the mitigation of the impact of the proposal on ESBS Stand 4 and in accordance with the recommendations included in the Species Impact Statement the following is to be implemented:*
 - a) *Rehabilitation to enhance and enlarge the remaining stand;*
 - b) *Translocation of a significant biota species salvaged during the works;*
 - c) *Maintenance; and*
 - d) *Installation of rabbit proof fences and other protective fences to inhibit pedestrian access to the site.*

Aboriginal Archaeology

92. *Any ground disturbance and excavation carried out as part of the proposed works is to be undertaken in consultation with the La Perouse Local Aboriginal Land Council (LPLALC) and, where requested, be subject to LPLALC and archaeological monitoring.*
93. *Should Aboriginal objects be found, the Department of Conservation (DEC) (formerly National Parks and Wildlife Service (NPWS)) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974 [NSW]). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the NPWS Act may be required before work can resume.*
94. *An application is to be made to DEC to register the Tram Loop as an Aboriginal site pursuant to the NPWS Act. An application for consent to destroy part of the site should then be made to the DEC in accordance with the provisions of the AMP and in consultation with the LPLALC.*
95. *Prior to the commencement of the proposed works, all those involved should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
96. *Site contractors should be advised of their obligations under the National Parks and Wildlife Act 1974 and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

Historical Archaeology

97. *All work is to be undertaken in accordance with the requirements of Excavation Permit 03/s60/131, which specifically includes 'relics' disturbance or removal as a consequence of DA4 requirements and Excavation Permit 2004/s60/52.*
98. *All contractors and subcontractors are to be inducted and informed by the nominated heritage consultant prior to commencing work on site as to their obligations and requirement under the relic provisions included the NSW Heritage Act 1977 and Heritage Office guidelines.*

Works

99. *Significant building elements, features and fragile materials shall be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed. Significant fabric (such as kerbs, gutters and significant paving) in the vicinity of the development and wherever construction vehicles are used are to be protected during excavation and construction work. A methodology describing the protection of significant built and landscape elements during the work is to be submitted to the Director of the Heritage Office prior to the release of the construction certificate. The methodology is to be included in a Master Program and Site Co-ordination Plan (or Work Plan).*
100. *The proposed concrete colour and finish for new areas of footpaths, kerbs, gutter and road surfaces (which will be laid adjacent to retained areas) are to ensure the finish is sympathetic with (but does not copy) retained fabric. A sample area of the material should be laid and allow to cure for approval by the nominate heritage consultant before the relevant work commences.*
101. *New kerbs in roads which will remain in the ownership of the Price Henry at little Bay Trust in the Historic Precinct (defined in the Conservation Management Plan, February 2003) are to match existing (c 1937) concrete kerbs' profile featuring a vertical front face. Detail resolution is to be to the approval of the nominated heritage consultant.*
102. *Concrete for repaired kerbs and footpaths in the Historic Precinct (defined in the Conservation Management Plan, February 2003) are to match the existing adjacent kerbs' colour and finish. A sample area of the material should be laid and allow to cure for approval by the nominate heritage consultant before the relevant work commences.*
103. *At the junctions of the proposed publicly owned and privately owned roads and paths, the existing radius kerbs are to be retained in the new road verges to allow the original layout to be interpreted. The junction of the 1937 N/S road west of Delaney and Gull St is to be similarly interpreted. The nominated heritage consultant is to provide advice and approve the details.*
104. *Alteration of any sandstone kerbing is to be undertaken in accordance with Conservation Management Plan and the Specific Elements Conservation Policy (SECP) for the Road Network as amended by the Proposed Roads Management*

document. The kerbing is to be carefully removed and stored safely and inspected by the nominated heritage consultant who is to identify intact pieces to be reset in accordance with the policies contained in the Road Network SECP as amended by the Proposed Roads Management document.

105. *Before work commences on the reconstruction of the radius kerbs to the Flowers Wards entry ramps, evidence is to be recorded with photographs and drawings. The proposed design of the new radius kerbs is to be to the approval of the nominated heritage consultant.*
106. *Further investigation is to be undertaken in consultation with the nominated heritage consultant to retain in situ all or representative examples of the existing stormwater pits and grates in the southern sections of Darwin and Curie Avenue, subject to meeting safety requirements. If grates are to be replaced for safety reasons, approval is to be sought from the Director of the Heritage Office.*
107. *The new rock cuttings to the west of Brodie Avenue and to the south of NR4 are to match the character and finish of the existing.*
108. *The rockery to the southeast and east of Henry's Trading Post is to be carefully removed and stored and to be re-built after the widening of Brodie Avenue.*
109. *The rabbit proof fence and its fixing on the rock cutting on the south side of NR4 is to be designed to the approval of the nominated heritage consultant to minimise its visual impact and physical damage.*

Services

110. *The installation of services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Service runs should be grouped and concealed within the new work. Proposed service reticulation is to minimise any crossings and interface with retained significant fabric. Penetrations through heritage fabric should be minimised.*
111. *Service reticulation proposed to be positioned in the road reserves are to avoid being positioned beneath retained sections of pavement to minimise disturbance.*
112. *The work to lift and re-set existing sandstone kerbing which has subsided is to be coordinated with the installation of the services to minimise impact on significant fabric.*
113. *Service lines including, water supply, irrigation, electrical, gas, data and communications which cross retained significant paving and/or kerbs are to be thrust-bored and carried out in accordance with the Roads Network SECP.*
114. *Stormwater crossings are to be modified so they are perpendicular to the kerb and coincide with existing joints in the pavement to minimise saw cutting and impact on significant fabric. The disturbance of existing concrete paving and kerbs for the installation of stormwater lines is to be undertaken in consultation with the nominated heritage consultant, minimised and repaired in accordance with the conditions of this consent.*

115. *The proposed locations of the electrical turret and substation locations within the Historic Precinct are to be approved by the nominated heritage consultant to minimise their impact on the setting of significant elements.*

Setting and Views

116. *Parking at the north end of Brodie Avenue, at the north end of Flowers Ward 1, is to be restricted to a 'No Standing' zone to allow drop-off only to minimise the impact of parking on the setting of Flowers Ward 1.*
117. *Parking at the north end of Ewing Avenue, on the western side of the former Nurses Lecture Hall, is to be restricted to a 'No Stopping' zone to minimise the impact of vehicles on the setting of the former Nurses Lecture Hall.*
118. *Parking on the south side of the former Nurses Lecture Hall is to be restricted to a 'No Standing' zone to allow drop-off only and to minimise the impact of parking on the setting of the former Nurses Lecture Hall.*
119. *The angophoras proposed to be planted along the Public Walkways are to be trimmed and their growth managed so that they grow with clear stems and sparse canopy to prevent blocking the views from the Flowers Wards to the east.*

Further information

120. *Further details are to be provided to the Director of the Heritage Office showing proposed modifications to the area in front of the Delaney Building on Gull St. The nominated heritage consultant is to advise on the detail design.*
121. *The Road Network SECP is to be updated to reflect recent agreements between Landcom, the Heritage Office and Randwick City Council and lodged with the NSW Heritage Council for endorsement.*

S60 application

122. *An application under section 60 of the NSW Heritage Act is to be submitted and approved by the NSW Heritage Council prior to work commencing.*

ADVISORY CONDITIONS

1. *All civil infrastructure which is intended to be transferred to the stewardship of Council must gain the various approvals of the Director of Assets and Infrastructure Services prior to Council accepting the transfer of Civil Infrastructure or, where considered more appropriate, prior to the issuing of a construction certificate. Design details and specifications must be considered and approved prior to the issuing of a construction certificate for the relevant part of the development.*
2. *Prior to the issuing the construction certificate, the DAIS and the Certifying Authority must have approved all construction plans and specifications including materials, for all infrastructure intended to be transferred to Council.*
3. *Council will only accept new infrastructure that will achieve the following*

minimum design serviceable life.

- a. *Road Pavements 40 years with the minimum design traffic for the pavement design being 2,000,000 ESA's and designed in accordance with AUSTRROADS PAVEMENT DESIGN GUIDE.*
 - b. *All other infrastructure i.e. Kerb and gutter, footpaths, retaining walls, pipe drainage etc shall have a minimum design serviceable life of 80 years.*
4. *Council will not accept old infrastructure, which is at the end of its serviceable life and would require restoration or replacement in the near to medium future.*
 5. *Where pedestrian footpaths are immediately adjacent to the travelling lane of any road a pedestrian safety fence is required that will prevent pedestrians accidentally stepping onto the road travelling lane. Turfed nature strips and/or parking lanes provide an adequate buffer to the travelling lanes.*
 6. *Arising from the traffic generation of the development and the significant alterations to the Jennifer Street adjacent to the frontage of the development, the applicant shall overlay Jennifer Street with 50mm depth of Asphaltic Concrete for the entire frontage of Jennifer Street prior to the release of the plan of subdivision. Road edge profiling is required as part of overlay works.*
 7. *The applicant shall install pedestrian fencing on the centre median of Anzac Parade to control and confine pedestrian road crossings to the marked foot crossing near the Anzac Parade Pine Avenue roundabout. This fencing is to improve the pedestrian safety adjacent to the development.*
 8. *All vehicular crossings that deliver vehicles directly onto the travelling lanes of the roads shall be redesigned such that the driveways deliver vehicles either onto the parking lane or sufficient pavement widening such that the front of a standard vehicle does not overhang the road pavement should the vehicle prop with its wheels in the gutter. This condition is required to improve the safety of the drivers.*
 9. *Heritage pavement alignment inlay strips in the road pavements shall be deleted as they have the potential to cause safety problems for motorists, particularly at night and if the pavement is wet. Motorists unfamiliar with the inlay strip may follow the inlay and cause an accident.*

MOTION: (Bastic/Kenny) CARRIED – SEE RESOLUTION.

10.2 DIRECTOR, CITY PLANNING REPORT 21/2005 - 30 FLOWER STREET, MAROUBRA. (932/2004/A)

- 182 **RESOLUTION: (PROCEDURAL MOTION) (Bastic/Kenny)** *that this application be deferred to the next Health, Building and Planning Committee meeting to allow the objector to address Council on this matter.*

PROCEDURAL MOTION: (Bastic/Kenny) CARRIED - SEE RESOLUTION.

10.3 DIRECTOR, CITY PLANNING REPORT 22/2005 - 25 BYRNE CRESCENT, MAROUBRA. (DA 996/2004)

(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE ORDINARY COUNCIL MEETING ON TUESDAY, 24TH MAY, 2005.)

183 **RESOLUTION:** *(Belleli/Kenny) 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 996/2004 for the Extension of existing balconies to the rear (eastern side) of dwelling, including new balustrading to entry stairs and rebuilding existing balcony on north elevation at 25 Byrne Crescent, Maroubra subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the amended plans numbered C – 01 A & C – 02 A, dated Sept. '04 and received by Council on 18 January 2005, 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 balconies are to be compatible with the existing dwelling house and the adjacent development to maintain the integrity and amenity of the building and when viewed from the foreshore.*

The following conditions are site specific:

3. *The extension of the north east balcony is not to extend beyond the alignment of the northern external wall of the existing dwelling.*

4. *The balustrade to the northern edge of the northern balcony at the second floor level shall be constructed of a solid non-translucent material in order to prevent light spillage to the adjoining property.*

5. *The section of glass balustrade beneath the privacy screen on the north eastern balcony shall be constructed of obscure glass to ensure additional privacy to 23 Byrne Crescent.*

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

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

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

7. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
8. ***Prior to the commencement of any building works**, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
9. ***Prior to the commencement of any building works**, the person having the benefit of the development consent must: -*
 - i) *appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

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

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

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

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends

and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

11. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
 - *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
 - *name, address and telephone number of the Principal Certifying Authority; and*
 - *a statement stating that “unauthorised entry to the work site is prohibited”.*
12. *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.*

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:

13. *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.*
14. *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”.*

15. *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.*
16. *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.*
17. *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.*
18. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
19. *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.

20. *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.*
21. *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.*
22. *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*

23. *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.

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).*

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: (Daley/Andrews) that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 996/2004 for the Extension of existing balconies to the rear (eastern side) of dwelling, including new balustrading to entry stairs and rebuilding existing balcony on north elevation at 25 Byrne Crescent, Maroubra subject to the standard conditions contained in the Director City Planning Report 22/2005 and the amendment of conditions 3 and 4 as follows:

3. the extension of the south eastern balcony (second level) is to be set back 1550mm from the alignment of the existing external wall of the existing dwelling, being three (3) metres from the side boundary (i.e. maximum extension of the existing balcony of 800mm). This is to ensure the retention of views currently enjoyed by the owners of adjoining properties and also to reduce the potential loss of privacy to those owners;
4. the extension of the north eastern balcony (first level) is to be set back 500mm from the alignment of the existing external wall of the existing dwelling (i.e. maximum extension of the existing balcony of 850mm). This is to ensure the retention of views currently enjoyed by the owners of 23 Byrne Crescent and also to reduce the loss of privacy; and
- 4a. the balustrade to the northern edge of the northern balcony at the second floor level shall be constructed of a solid non-translucent material in order to prevent light spillage to the adjoining property.

AMENDMENT: (Belleli/Kenny) that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 996/2004 for the Extension of existing balconies to the rear (eastern side) of dwelling, including new balustrading to entry stairs and rebuilding existing balcony on north elevation at 25 Byrne Crescent, Maroubra subject to the standard conditions contained in the Director City Planning Report 22/2005 and the amendment of conditions 3 and 4 as follows:

3. that the extension of the north east balcony is not to extend beyond the alignment of the northern external wall of the existing dwelling.

4. the balustrade to the northern edge of the northern balcony at the second floor level shall be constructed of a solid non-translucent material in order to prevent light spillage to the adjoining property. **CARRIED.**

AMENDMENT BECAME MOTION – SEE RESOLUTION.

10.4 DIRECTOR, CITY PLANNING REPORT 23/2005 - 120 BROOK STREET, COOGEE. (D/0414/2004)

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

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

AND

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

AND

- C. *Council, as the responsible authority, grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. DA 414/2004 for Demolition of the existing Post Office building and construction of a mixed use development containing commercial space on the ground floor and 14 dwellings and the strata subdivision of the completed development. at 120 Brook Street, Coogee, subject to the following condition:-*

DEFERRED COMMENCEMENT CONDITION

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

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and finishes (i.e. a sample board keyed to **all** building elevations) are to be submitted and shall include the following:-*
 - *metal roof sheeting painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment*
 - *details and samples of the glass to be used. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent and certification of such is required with the sample board.*

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

DEVELOPMENT CONSENT CONDITIONS

D. *Subject to compliance with the deferred commencement condition, to the satisfaction of the Director City Planning, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA 414/2004 for demolition of the existing houses and the construction of a multi-unit housing development containing Demolition of the existing Post Office building and construction of a mixed use development containing commercial space on the ground floor and 14 dwellings and the strata subdivision of the completed development. at 120 Brook Street, Coogee subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA 02 - DA 15, all Issue F, prepared by Turner and Associates and received by Council on 19 January, 2005, draft strata plans numbered with Surveyor's Reference 23916 D. T./ Brook, Sheets 1-5, prepared by David John Tremain of Harrison Friedmann and Associate P/L and received by Council on 31 March 2005, the application form and on any supporting information received with the application, except as may be amended by the satisfaction of the deferred commencement condition, 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. *Privacy screens shall be provided to a height of 1.5m on the southern and northern elevations at the end of the balconies and walkways facing the central courtyard of the building and shall be detailed as **such prior to the issue of the construction certificate.***
3. *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.*
4. *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.*
5. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *The enclosure of balconies is prohibited by this consent.*
8. *Power supply and telecommunications cabling to the development shall be underground.*

9. *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.*
10. *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.
11. *A separate Development Application is required to be submitted to and approved by Council with regard to proposed usage of the commercial tenancy **prior to occupancy**.*
12. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
13. *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.*
14. *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.*
15. *All signage and advertising must be in accordance with Council's Development Control Plan (DCP) for Outdoor Advertising and development consent must be obtained for all signage and advertising in accordance with Council's Local Environmental Plan 1998 (unless exempt from approval under Council's DCP for Exempt and Complying Development).*

All advertising and signage must be written in English language or both English and relevant non-English language equally. The use of non-English language advertising only is not permissible.
16. *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.*
17. *Details of any proposed electricity power supply poles to be provided to service the development are to be submitted to and approved by Council's Director of Planning, prior to installation.*
18. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of City Planning has been obtained beforehand.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

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

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

20. *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.*
21. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

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

22. *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.*
23. *The hot water system/s installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
24. *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 a) 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 at Level 1 of the building, with the overflow from the rainwater tank connected to the detention system 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 Contributions:

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

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

- | | |
|--|--------------------|
| a) <i>for the provision or improvement of open space</i> | <i>\$19,124.02</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$ 8,455.88</i> |
| c) <i>Administration fee</i> | <i>\$ 425.00</i> |

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

SUBDIVISION:

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

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

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

27. *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 (in conjunction with registration of the plan of subdivision) 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.*

28. *The registered proprietor of the land the subject of this consent shall enter into a positive covenant that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the*

approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.

29. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
30. *All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
31. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*
32. *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 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 the subdivision certificate (whichever the sooner).

33. *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.*
34. *Where the plans which are the subject of this consent reserves parking spaces and/or courtyards for the exclusive use and enjoyment to an occupier of the land, the registered proprietor shall enter into a positive covenant that no change will be made to such reservations without the prior approval of Randwick City Council.*
35. *All orders and notices issued by Council shall be complied with prior to release of the subdivision plans.*
36. *The landscape open space central courtyard area of the site is to remain as common property and be indicated on the strata plan application accordingly.*

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

38. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

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

39. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
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. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancy/occupancy and 'shop fit out', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
42. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

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

43. *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.

44. *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.*
45. ***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.***

46. ***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.

47. *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.

48. *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”.

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

50. *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.*

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.

51. *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.*

52. *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.

53. *Fire safety notices must be provided to fire-isolated stairways, passageways or ramps in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000, at all times.*
54. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

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

55. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.*

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

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

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

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

57. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.*

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

58. *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.***

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:

59. *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.*
60. *Any demolition works involving asbestos products are to be carried out in accordance with relevant WorkCover New South Wales requirements, guidelines and codes of practice.*
61. *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.*
62. *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.

63. *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.

64. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
65. *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.*
66. *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.*
67. *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.*
68. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
 - a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
69. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
70. *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.

71. *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.*
72. *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.*
73. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - *location of site storage areas/sheds/equipment;*
 - *location of building materials for construction;*
 - *provisions for public safety;*
 - *dust control measures;*
 - *site access location and construction*
 - *details of methods of disposal of demolition materials;*
 - *protective measures for tree preservation;*
 - *provisions for temporary sanitary facilities;*
 - *location and size of waste containers/bulk bins;*
 - *details of proposed sediment and erosion control measures;*
 - *construction noise and vibration management.*

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

74. *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.*
75. *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 water management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

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

76. *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.

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

77. *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.*
78. *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.*

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

Temporary fences and hoardings 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 site fencing, hoardings 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.

80. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-*

- *Install or erect any site fencing, hoardings or site structures*
- *Operate a crane or hoist goods or materials over a footpath or road*
- *Placement of a waste skip (grater than 3m in length) or any container or other article.*

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

81. *Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

SECURITY DEPOSIT CONDITIONS

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

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

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

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

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

TRAFFIC CONDITIONS/CIVIL WORKS CONDITIONS

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

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

a) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site. It is noted that this shall include converting the existing kerb inlet pit (located opposite the proposed vehicular entrance to the site) to a double grated inlet pit within the new layback.*

b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath and integral kerb and gutter to Council's specification.*

c) *Replace the existing stormwater manhole access (located within the redundant layback) with a new double grated kerb inlet pit (minimum 2.4 metre long inlet) constructed in general accordance with Council's standard drawing SD7.*

d) *Reconstruct any damaged sections of kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points. It is noted that this shall include road reconstruction works where required.*

e) *Reconstruct the full Brook Street site frontage, in accordance with Council's Urban Design Guidelines for Coogee Beach Commercial Centre.*

NOTE: The landscape design may include pavements, seat and bin installations,

trees, tree guards and tree grates as required by Council's Landscape Architect – 9399 0786.

84. *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.*
85. *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.*
86. *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.*
87. *The driveway opening at the Brook Street frontage shall be minimum 3.00 metres wide (clear width) and located at least 1.5 metres clear of the side property boundary.*
88. *The applicant shall meet the full cost for the installation of a ramp signalling system, located wholly within the development site, in accordance with the correspondence received from Project Planning Associates dated 9 March 2005.*

***Note:** This shall include the provision of remote, in-car 'clickers' as detailed in the above correspondence.*

89. *A Works Zone is to be provided in Brook 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.

90. *The garage door to the basement carpark shall be set back a minimum of 5.50 metres from the boundary alignment and shall be located at the toward the top of the ramp, with a remote opening system provided for the opening and closing of the garage door for residents and tenants of the building. The control point for the operation of garage door for visitor vehicles exiting the carpark shall be located at the bottom of the ramp and be clearly signposted as such.*
91. *The ramp to the basement carpark shall be illuminated to facilitate a safe and secure environment for the authorised use of vehicles and persons within the carpark.*

ALIGNMENT LEVEL CONDITIONS

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

92. *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:*
- ***Match the back of the existing concrete footpath at both the northern and southern boundaries and grade linearly between the two points.***

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.

93. *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.*
94. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$662 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:

95. *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.*
96. *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.*
97. *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.*
98. *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

This is Page No. 55 of the Minutes of the Ordinary Council Meeting held on Tuesday, 26th April, 2005.

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

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.*
 - 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.*
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. *All site stormwater must be discharged (by gravity) to either:*
- a) *The underground drainage system in Brook Street, via a new kerb inlet pit (to be*

- constructed in the location of the existing stormwater manhole access); OR
- b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

Notes:

- a. All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7.
- b. 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.
102. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm 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.

103. 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.

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.

104. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
105. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
106. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:

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

Notes:

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

107. The stormwater detention area (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.

108. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level (in the detention area) 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. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.

111. 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.

112. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

113. 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.

114. 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.*

115. *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’*
- d) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
- e) *A water tap shall be located adjacent to the car washing bay.*

116. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and*

experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:

- a) The location of the detention basin with finished surface levels;*
 - b) Finished site contours at 0.2 metre intervals;*
 - c) Volume of storage available in the detention areas;*
 - d) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - e) The orifice size(s) (if applicable);*
 - f) Details of any infiltration/absorption systems; and*
 - g) Details of any pumping systems installed (including wet well volumes).*
- 117. 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.*
- 118. As the above site may encounter seepage water within the depth of the basement excavation, the basement 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 (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 seepage water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the seepage water through the development site).*

WASTE MANAGEMENT CONDITIONS

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

- 119. The garbage room areas shall be sized to contain a total of 14 x 240 litre bins (7 garbage bins & 7 recycle bins) whilst providing satisfactory access to these bins.*
- 120. The commercial/retail garbage room shall be sized to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycle bins) whilst providing satisfactory access to these bins.*
- 121. The commercial garbage area shall be separated from the residential bin storage areas and connected directly by a door to the commercial tenancy. Details of such shall be provided on the plans **prior to the issue of the construction certificate.***

122. *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.*
123. *The garbage storage areas are to be clearly signposted.*
124. *Prior to the occupation of the development, the owner or applicant is required to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services for the premises.*
125. *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 Services, a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site.*

LANDSCAPE CONDITIONS

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

126. *The landscaped areas shown on drawing numbers 24004-DA01 Rev C and 24004-DA02, Rev B, prepared by Aspect Landscape Architects Pty Ltd, dated March 2005 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. If Council is not the certifying authority for this site, the applicant will still be required to 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, 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, 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 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. 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 landscape plan shall show a minimum number of 6 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*

- 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.*

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.

- d. *Additional notation showing soil and mulch details, irrigation details, lighting details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

Note: 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.

127. *In order to reduce the amount of stormwater generated by the site as well as 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.*
128. *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.*
129. *The applicant shall submit a landscape design for the Brook Street frontage of the development in accordance with Council's Urban Design Guidelines for the Coogee Beach Commercial Centre. The landscape design may include pavements, seat and bin installations, 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 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.

All street furniture is required to be purchased through Council. Due to supply constraints, the applicant is required to place an order and pay for the required furniture three months prior to the estimated date for the completion of street frontage works.

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

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

A refundable deposit in the form of cash or cheque of \$2,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Brook 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. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

132. *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.

TREE MANAGEMENT

133. *The applicant shall submit a total payment of \$484.00 to Council,*

- A. *Being the cost for Council to supply and install 2 x 75 litre street trees (Banksia integrifolia, Coastal Banksia) on the southern side of the proposed driveway at the completion of all works (\$440.00 + GST)*

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

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

134. *A refundable deposit in the form of cash, cheque, or bank guarantee (with no expiry date) for the amount of \$14,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
- b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

ADVISORY MATTERS:

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

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

- | | | | |
|----|--------------------|---|---|
| a) | <i>Part B1</i> | - | <i>Structural provisions</i> |
| b) | <i>Part D1</i> | - | <i>Provisions for escape</i> |
| c) | <i>Clause D1.3</i> | - | <i>When fire-isolated exits are required</i> |
| d) | <i>Clause D1.4</i> | - | <i>Exit travel distances</i> |
| e) | <i>Part D3</i> | - | <i>Access for people with disabilities</i> |
| f) | <i>Clause D3.5</i> | - | <i>Car parking for people with disabilities</i> |
| g) | <i>Part E1</i> | - | <i>Fire fighting equipment</i> |
| h) | <i>Part E2</i> | - | <i>Smoke Hazard Management</i> |
| i) | <i>Part E4</i> | - | <i>Emergency lighting, exit signs & warning systems</i> |

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

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

2. *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.

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

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

MOTION: (Andrews/Bastic) CARRIED - SEE RESOLUTION.

10.5 DIRECTOR, CITY PLANNING REPORT 24/2005 - 30-32 EASTBOURNE AVE, CLOVELLY. (04/971)

185 **RESOLUTION: (Woodsmith/Kenny) that:**

- A. *Council as the consent authority, grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 04/00971 for alterations and additions to the existing dwelling including enlarged ground and first floors, internal reconfiguration of ground and first floors and new pool and rear landscaping at 30-32 Eastbourne Ave, Clovelly 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 City Planning:

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

Details of the proposed colours, materials and textures (ie. a schedule and brochure/s or samples affixed to a board keyed to coloured elevations), are to be submitted to and approved by Council's Director City Planning, prior to the operation of this consent.

2. *In order to provide a reasonable level of amenity between this site and adjoining properties, as well as to address screening and privacy concerns, a garden bed shall be provided along the length of the rear (north) property boundary, and shall be planted with a species that can attain a height of no more than 3.5 metres at maturity, in order to achieve a dense, continuous planted screen.*

Details of the proposed species and compliance with this condition shall be provided on the plans submitted to and approved by Council's Director City Planning, prior to the operation of the consent.

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

Development Consent Conditions

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

- 1 The development must be implemented substantially in accordance with the plans numbered A:001B, A:002B, A:003B, A:004B, A:005C, A:006C, A:200C, A:201C, A:202B, A:203C, A:204C, A:205C, A:300C, A:301C all dated 14 April 2005 and all received by Council 20 April 2005, the application form and on any supporting information received with the application, except as may be amended by details/amendments approved pursuant to the deferred commencement condition, 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 proposed first floor rear balcony shall be reduced in width so that it aligns with the eastern and western walls of the proposed first floor level.*
- 3 Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
- 4. 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.*
- 5 Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
- 6. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
- 7. The proposed side fences are not to exceed 1.8m in height.*

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

- 8. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
- 9. 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.*

10. *New 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:

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

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

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

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

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

13. *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.

14. *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.*

15. ***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.

16. ***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.

17. *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.

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

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

19. *An Occupation Certificate must be obtained from the Principal Certifying Authority*

prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

20. *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.*

21. *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.

22. *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:

23. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
24. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
25. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
26. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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

Adequate provisions are also to be made for drainage.

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

27. *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.*
28. *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.

29. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
30. *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.

31. *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.*
32. *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.*
33. *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*
34. *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.

35. *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.*

36. *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 geo-textile 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:

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

The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

38. *Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the Swimming Pools Act 1992 and regulations.*

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled “Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation”, published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled “Cardio Pulmonary Resuscitation” published by the Australian Resuscitation Council.

39. *Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -*

Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.

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:

40. *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).

41. *The operation of all plant and equipment (including the lift motor/lift motor room and pool plant equipment) shall not give rise to an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

42. *Plant and equipment associated with the pool and the lift is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

43. *The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
 - before 7.00am or after 8.00pm on any other day.
44. *The operation of air conditioning unit/s is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the air conditioning unit/s shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
45. *The installation of rainwater tanks and greywater treatment systems shall comply with the following noise control requirements:-*
- a) *The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*
- In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*
- b) *Plant and equipment associated with rainwater tank(s) and greywater treatment systems are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
- c) *The operation of plant and equipment associated with the rainwater tank(s) and greywater treatment systems are to be 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.

The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:

46. *All crossings, repairs and ancillary works on the footway and roadway are to be carried out by the Council and the cost of the owner of the premises.*
- Prior to commencing any works on site, a statement (together with any relevant photographs) is to be prepared by the applicant or owner of the premises and be submitted to the Council, detailing any existing damage to the roadway, footway, vehicular crossings, nature strip and public place adjacent to the premises. A further statement is to be forwarded to Council upon completion of the building works, which advises Council of any damage or confirms that no damage has been caused to the roadway, footway, vehicular crossings and nature strip.*

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: (Woodsmith/Kenny) CARRIED – SEE RESOLUTION.

10.6 DIRECTOR, CITY PLANNING REPORT 25/2005 - DRAFT LIQUOR AMENDMENT LEGISLATION. (F2004/06353)

186 **RESOLUTION: (Andrews/Procopiadis) that:**

- a) *Randwick City Council supports the enactment by the NSW Parliament of the Draft Liquor Amendment Legislation (Liquor Legislation Amendment (Alcohol Summit) Bill 2005, the Liquor Amendment (Alcohol Summit) Regulation 2005 and the Registered Clubs Amendment (Alcohol Summit) Regulation 2005; and*
- b) *Council forward its submission to the Department of Gaming & Racing in respect to the proposed amendments to NSW liquor licensing legislation.*

MOTION: (Andrews/Procopiadis) CARRIED - SEE RESOLUTION.

(His Worship the Mayor, Cr M. Matson requested that his name be recorded as opposed to the resolution.)

11. PETITIONS.

11.1 PETITION SUBMITTED BY CR NASH ON BEHALF OF RESIDENTS OBJECTING TO THE PROPOSED ARALUEN STREET CONSERVATION AREA. (F2005/00172 xr F2005/00217)

187 **RESOLUTION: (Nash/Notley-Smith) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.**

MOTION: (Nash/Notley-Smith) CARRIED - SEE RESOLUTION.

11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS REQUESTING A PERMANENT PHYSICAL NO LEFT TURN BARRIER PREVENTING ACCESS FROM GARDENER ROAD TO TUNSTALL AVENUE. (F2005/00172 xr F2004/08216)

188 **RESOLUTION: (Tracey/Kenny) that the petition be referred to the Randwick Traffic Committee for their consideration.**

MOTION: (Tracey/Kenny) CARRIED - SEE RESOLUTION.

11.3 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS REQUESTING THE REPAIR OF THE STREET GUTTER & NATURE STRIP IN GALVIN STREET, MAROUBRA. (F2005/00172 xr F2004/07515)

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

MOTION: (Hughes/Nash) CARRIED - SEE RESOLUTION.

11.4 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS REGARDING THE PROPOSED GARDENERS ROAD ACCESS RAMPS TO SOUTHERN CROSS DRIVE. (F2005/00172 xr F2004/08216)

190 *RESOLUTION: (Hughes/Nash) that:*

- (a) the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer; and*
- (b) a summary of the petition and the number of signatures it contains be included in correspondence that will be addressed on the call for a Regional Traffic and Transport Management Plan.*

MOTION: (Hughes/Nash) CARRIED - SEE RESOLUTION.

11.5 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS REGARDING TRAFFIC ISSUES IN LENTHALL STREET. (F2005/00172 xr F2004/08216)

191 *RESOLUTION: (Hughes/Nash) that:*

- (a) petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer; and*
- (b) a summary of the petition and the number of signatures it contains be included in correspondence that will be addressed on the call for a Regional Traffic and Transport Management Plan.*

MOTION: (Hughes/Nash) CARRIED - SEE RESOLUTION.

12. MOTIONS PURSUANT TO NOTICE.

12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, BASTIC, DALEY, PROCOPIADIS & WHITE - ORDINARY COUNCIL MEETING, TUESDAY, 22ND MARCH, 2005 – ITEM 8.7 - DIRECTOR, CITY SERVICES' REPORT 29/2005 - STRATEGIC PLAN FOR PARKING METER OPERATION. (98/S/2714)

(Note: This matter was dealt with as the second item of business on the Agenda.)

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

the resolution passed at the Ordinary Council Meeting held on Tuesday, 22nd March, 2005, reading as follows:-

that:

- a) *authority be delegated to the General Manager to consult with all residents in the City of Randwick on the implementation of parking meters, by way of direct mailing, as follows:*
 - (i) *the General Manager is to write to each resident in the City of Randwick outlining all relevant and pertinent aspects of the proposal and inviting written submissions to be made to the General Manager (such a letter is to invite comment on such issues as, amongst others, whether an administrative charge should be made to cover the cost of administering the proposal. The letter should also outline the expected outcomes of the proposal);*
 - (ii) *the General Manager is to draft a questionnaire/survey which is to be enclosed with such a letter asking for the views of residents on all relevant and pertinent aspects of the proposal, and which invites residents to complete the questionnaire/survey and return it in a pre-paid reply envelope so as to enable Council to collate all responses and report back to Council on the outcomes of the questionnaire/survey;*
- b) *the General Manager be authorised to further refine the community feedback received from the consultation meetings undertaken by the Mayor with key stakeholder groups in June 2004, and to further advertise Council's proposals for four consecutive weeks in the Southern Courier inviting public comment;*
- c) *following community consultation, a report comes back to Council reporting on the outcomes of the community consultation for Council's further consideration; and*
- d) *the contents of the Director City Services' Report 29/2005, in particular the outline of the five (5) community precincts under consideration for parking meters, be used as the basis for providing information to the public for their comments.*

BE AND IS HEREBY RESCINDED.

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

193 **RESOLUTION: (Daley/Notley-Smith))** that the motion adopted by Council at its Ordinary meeting of 22nd March, 2005 to call for community consultation on a draft proposal for parking management in the City of Randwick having been rescinded, that:

1. *pursuant to the recommendations of Randwick City Council parking management contained in the Director, City Services Report 29/2005, Council resolves to implement the parking strategy ("Proposal") subject to the following:*
2. *the proposal must be communicated to residents by the General Manager as he sees fit, provided that such communication is included in the next Council newsletter, and*

advertisements are to be placed in the Southern Courier inviting public comment for a period of not less than 28 days;

3. *after the close of the submission period, the General Manager shall, following his communication of public submissions to all Councillors, be and is hereby delegated authority to call for public tender and to implement the proposal;*
4. *as part of the proposal, all residents of Randwick be exempt from parking meter payments regardless of the location of the parking meters (“the Exemption Scheme”);*
5. *the Exemption Scheme must be revenue neutral;*
6. *as part of the consultation process, the General Manager is to undertake an economic impact study of commercial areas potentially affected by the Proposal; and*
7. *there should be no parking meters installed in the main streets in the commercial centres of Matraville, Maroubra Junction, The Spot (East of the Eastern side of Avoca Street in the currently proposed location), Kingsford or Kensington.*

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

(Note: This resolution was unanimously carried by Council.)

12.2 BY COUNCILLORS TRACEY & KENNY – STREET TREE VANDALISM IN NORTH CLOVELLY. (F2004/07359 XR F2004/07809 XR F2004/07249 XR R/0602/03 XR F2005/00171)

194 **RESOLUTION: (Tracey/Andrews)** *that Council notes the serious street tree vandalism over recent weeks at North Clovelly, and*

- a) *Issues a pamphlet or letter to residents of Surfside, Park, Keith, Shakel, Eastbourne and Ocean streets or avenues detailing Council street tree planning policies and plans for this area; and*
- b) *Gives residents/ratepayers of the abovementioned streets the option to decline the opportunity of having new street trees planted outside their homes.*

(The Mayor vacated the Chair at 9.50 p.m. and the Deputy Mayor, Cr Notley-Smith assumed the Chair.)

MOTION: (Tracey/Andrews) CARRIED - SEE RESOLUTION.

AMENDMENT: (His Worship the Mayor, Cr M. Matson/Hughes) *that Council notes the serious street tree vandalism over recent weeks at North Clovelly, and*

- a) *issues a pamphlet or letter to residents of Surfside, Park, Keith, Shakel, Eastbourne and Ocean streets or avenues detailing Council street tree planning policies and plans for this area; and*
- b) *the Director City Services be authorised to generate a protocol for determining via letterbox drops and other means, a manner of advising residents when new street trees are being planted outside their homes. LOST.*

(The Mayor resumed the Chair.)

12.3 BY COUNCILLOR BELLELI – IMPROVEMENT PROGRAMS AT MALABAR JUNCTION. (F2005/00411 XR F2005/00171)

195 **RESOLUTION:** *(Belleli/Seng) that a report be prepared and brought back to an Ordinary Council meeting regarding a streetscape and civic improvement program at Malabar business centre, including the opposite side of the street in Matraville.*

MOTION: (Belleli/Seng) CARRIED - SEE RESOLUTION.

12.4 BY COUNCILLOR BELLELI – ACQUISITION OF BANNERS. (F2004/06257 XR F2005/00171)

196 **RESOLUTION:** *(Belleli/Nash) that a report be brought before Council on the acquisition of freestanding council banners (sail type) to be used in promoting Council's involvement in community events. The design to be investigated by the Director City Services and should enable use on both hard and/either soft surfaces.*

MOTION: (Belleli/Nash) CARRIED - SEE RESOLUTION.

12.5 BY COUNCILLOR NOTLEY-SMITH – HIGH CROSS PRECINCT CIVIC IMPROVEMENTS. (F2005/00411 XR F2005/00171)

197 **RESOLUTION:** *(Notley-Smith/Belleli) that a report be prepared for Council on the Council undertaking a civic improvement program in the High Cross Precinct. Such a program would include using construction and landscaping materials to compliment and enhance the precinct's significant historical amenity.*

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

12.6 BY COUNCILLOR NOTLEY-SMITH – WEB CASTING OF COUNCIL & COMMITTEE MEETINGS. (F2005/0006 XR F2005/00171)

198 **RESOLUTION:** *(Notley-Smith/Woodsmith) that Council give its in-principle support to the web-casting of council and committee meetings and that a report detailing costs and other related matters, including costings for both audio and video webcasting and legal implications, be brought back before the next meeting of Council.*

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

12.7 BY COUNCILLOR NASH – LAND USE, TRAFFIC & TRANSPORT PLAN. (F2004/07231 XR F2005/00171)

199 **RESOLUTION:** *(Nash/Hughes) that:*

- a) *Council note the demands of west ward residents (and other Randwick City and Botany Bay Council residents) for an integrated regional land use, traffic and transport plan for the eastern suburbs;*

- b) *Council note the resolution passed by the City of Sydney Council on 11 April, 2005 concerning the Zetland Area Traffic Study (and, in particular, the resolution that as part of the Zetland Area Traffic Study, that detailed investigations be undertaken to develop an appropriate strategy for the amelioration of traffic impacts on Lenthall Street, Kensington);*
- c) *Randwick City Council liaise with and make submissions to the City of Sydney Council in respect of all matters that may impact Randwick City residents arising from the resolution passed by the City of Sydney Council on 11 April 2005 concerning the Zetland Area Traffic Study, and to seek ongoing Councillor and community input on such matters;*
- d) *Council continue to urge (in accordance with its previously unanimously passed resolution) the state government to develop and implement an integrated regional land use, traffic and transport plan for the eastern suburbs. Such contact with the State Government to continue in the form of monthly follow up queries as to the status of the correspondence until such time as we have a response; and*
- e) *copies of the text of the petitions and summaries of the numbers of signatures, tabled earlier tonight from the Heffron Community Group, the Lenthall Street residents and the Eastern Avenue residents be included with any further correspondence generated by this motion.*

MOTION: (Nash/Hughes) CARRIED-SEE RESOLUTION.

**12.8 BY COUNCILLOR ANDREWS – PASSING OF POPE JOHN PAUL II.
(F2005/00266 XR F2005/00171)**

(Note: This matter was dealt with as the first item of business on the agenda.)

- 200 **RESOLUTION: (Andrews/Notley-Smith)** *that as a mark of respect for the passing of Pope John Paul II, Council move a motion of condolence and one minute silence be observed in the Council meeting.*

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

**12.9 BY COUNCILLOR WOODSMITH – ACQUISITION OF LITERARY
INSTITUTE. (F2004/06327 XR F2005/00171)**

- 201 **RESOLUTION: (Woodsmith/Hughes)** *that Council investigates the possibility of acquiring the Literary Institute situated in Clovelly Road, Randwick for the purpose of providing a space for local artists to show their work, with a report to come back to an Ordinary Council meeting including appropriate ways of dealing with the issue of the present use of the site.*

MOTION: (Woodsmith/Hughes) CARRIED-SEE RESOLUTION.

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORTS.

14.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 16/2005 - IMPLEMENTATION OF COUNCILS ONLINE SOLUTION. (98/S/3323)

14.2 CONFIDENTIAL GENERAL MANAGER'S REPORT 19/2005 - COMPENSATION TO TENANTS AT BOWEN LIBRARY. (P/001537 xr F2004/06336)

15. COMMITTEE-OF-THE-WHOLE.

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

RESOLVED: (Andrews/White) that the Ordinary Meeting of the Council be adjourned at 10.31 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Mayor declared the Ordinary Meeting of the Council resumed at 11.08 p.m.

16 REPORT OF COMMITTEE-OF-THE-WHOLE.

REPORT OF THE MAYOR TO THE ORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 26TH APRIL, 2005.

The Mayor reported that the following matters had been considered and the following recommendations to the Council had been formulated by the Committee-of-the-Whole.

EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (f) & 10A (2) (g) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter/s under consideration concerned respectively, (f) matters affecting the security of the council, councillors, council staff or council property and (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege, on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

RECOMMENDATIONS.

16.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 16/2005 - IMPLEMENTATION OF COUNCILS ONLINE SOLUTION. (98/S/3323)

That:

- (a) the Confidential General Manager's Report 16/2005 be received and noted, and
- (b) a report by the General Manager be brought back to an Ordinary Council meeting detailing the progress made for devising a contingency plan.

16.2 CONFIDENTIAL GENERAL MANAGER'S REPORT 19/2005 - COMPENSATION TO TENANTS AT BOWEN LIBRARY. (P/001537 xr F2004/06336)

That Vincent Xuereb trading as Eastside Ceramics be paid thirty five thousand one hundred and forty six dollars (\$35,146.00) in total as reasonable compensation (\$16,027.00 in the form of a rental abatement and \$19,119.00 by way of cheque) for the adverse effects on trading resulting from the erection of temporary hordings in front of the shop operated by this company.

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

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

- (a) the Confidential General Manager's Report 16/2005 be received and noted, and*
- (b) a report by the General Manager be brought back to an Ordinary Council meeting detailing the progress made for devising a contingency plan.*

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

203 **RESOLUTION:** *(Andrews/Notley-Smith) that Vincent Xuereb trading as Eastside Ceramics be paid thirty five thousand one hundred and forty six dollars (\$35,146.00) in total as reasonable compensation (\$16,027.00 in the form of a rental abatement and \$19,119.00 by way of cheque) for the adverse effects on trading resulting from the erection of temporary hordings in front of the shop operated by this company.*

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

17. NOTICE OF RESCISSION MOTIONS.

- a) A Notice of Rescission Motion on Item 6.3, Mayor's Minute 46/2005 – Clarification of Lenthal Street's status as a local road and establishing Council's authority in local street traffic issues, was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting on Tuesday, 24th May, 2005.
- b) A Notice of Rescission Motion on Director, City Planning Report 22/2005 - 25 Byrne Crescent, Maroubra was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting on Tuesday, 24th May, 2005.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 11.12 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 24TH MAY, 2005.

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CHAIRPERSON