

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 14TH JUNE, 2005 AT 6:55 P.M.**

PRESENT:

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

Councillor T. Seng (Central Ward) (Chairperson)

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| North Ward | - | Crs J. Kenny, P. Tracey & M. Woodsmith |
| South Ward | - | Crs R. Belleli, M. Daley & A. White |
| East Ward | - | Crs B. Notley-Smith & D. Sullivan |
| West Ward | - | Crs B. Hughes, S. Nash & J. Procopiadis |
| Central Ward | - | Crs A. Andrews & C. Bastic (from 7.27 p.m.) |

OFFICERS PRESENT:

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|---|--------------------|
| General Manager | Mr. R. Brownlee. |
| Director, City Services | Mr. J. Frangoplos. |
| Director, City Planning | Ms. S. Truuvvert. |
| Director, Governance & Financial Services | Mr. G. Banting. |
| Manager Environmental Planning | Ms. K. Armstrong. |
| Manager Development Assessment | Mr. K. Kyriacou. |
| Acting Public Officer | Mr. D. Kelly. |
| Communications Manager | Ms. D. Brien. |
| Student Planner | Ms. S. Hudson. |

The meeting was adjourned at 6.55 p.m. & was resumed at 7.27 p.m.

1. APOLOGIES.

Nil.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 10TH MAY, 2005.

H41 **RESOLUTION:** *(Kenny/Belleli) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 10th May, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

4. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

6.1 DEVELOPMENT APPLICATION REPORT - 14 BYNG STREET, MAROUBRA.

The Objector Mrs Margaret Dicalfas 12 Byng Street, Maroubra.

The Applicant Mr Greg Begaud 14 Byng Street, Maroubra.

6.2 DEVELOPMENT APPLICATION REPORT - 96-98 ST PAULS STREET, RANDWICK.

The Objector Ms Antonia Barila 14C Dudley Street, Randwick.

The Applicant Mr Mark Relf 467 Beauchamp Road, Maroubra.

6.4 DEVELOPMENT APPLICATION REPORT - 6 HAIG STREET, MAROUBRA.

The Objector Mr Michael Folk 10 Charles Street, Redfern.

The Applicant Ms Helen Delinaoum 6 Haig Street, Maroubra.

6.5 DEVELOPMENT APPLICATION REPORT - 505-507 BUNNERONG RD MATRAVILLE.

The Applicant Mr Alex Smith Suite 309, 203-233 New South Head Road, Edgecliffe.

The Meeting was adjourned at 8.12 p.m. & was resumed at 8.36 p.m.

5. MAYORAL MINUTES.

Nil.

6. DEVELOPMENT APPLICATIONS.

6.1 DEVELOPMENT APPLICATION REPORT - 14 BYNG STREET, MAROUBRA. (D/0322/2003-01)

H42 **RESOLUTION:** *(Andrews/Woodsmith)* that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. DA-322/2003/C by relocating the rear garden shed and widening the driveway cross over on property 14 Byng Street, MAROUBRA NSW 2035 in the following manner:

- Amend Condition No. 1 to read:

1. *The development must be implemented substantially in accordance with the plans comprising three (3) sheets numbered 1/3 (a), 2/3 (a), 3/3 (a), dated March 2003 and received by Council on 24 April 2003, the application form and on any supporting information received with the application, as amended by the Section 96 'A' plans numbered 1/3 to 3/3, Issue (d), dated 16 December 2003 and received by Council on 19 December 2003, as further amended by the Section 96 'B' plans numbered 1/3 to 3/3, Issue (e), dated 31 August 2004 and received by Council on 1 September 2004, and as further amended by the Section 96 'C' plans numbered 1/3 (e) & 2/3 (e), dated 31/08/04 and received by Council on 22 March 2005 and as amended 2/05/05, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

6.2 DEVELOPMENT APPLICATION REPORT - 96-98 ST PAULS STREET, RANDWICK. (DA1082/2004-01)

- H43 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Sullivan) that this matter be deferred for mediation between the applicant and the objectors on the east and west of the site.*

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

6.3 DEVELOPMENT APPLICATION REPORT - 803 ANZAC PARADE, MAROUBRA. (DA/293/2002)

- H44 **RESOLUTION:** *(Sullivan/Andrews) that:*

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 02/00293 on property 803 Anzac Parade, Maroubra in the following manner:*

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

1. *The development must be implemented substantially in accordance with the details set out on the plans numbered DA001A to DA005A, 101A, and 201A to 203A dated 17 July 2002 and stamped received by Randwick City Council on 1 August 2002, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered plans numbered 101 A to 109 A, all dated 04.04.05 and received by Council on 7 April 2005, only in so far as they relate to the modifications highlighted on those Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

- *Amend condition 24 to read as follows:*

- a. *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).

- *Add the following conditions:*

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

- i. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
- ii. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Environmental Health & Building Services.*

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

- iii. *The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*

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

6.4 DEVELOPMENT APPLICATION REPORT - 6 HAIG STREET, MAROUBRA. (DA/1123/2004)

H45 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Daley) that this matter deferred for mediation to achieve an outcome satisfactory to the applicant and objector.*

MOTION: (Andrews/Bastic) that Council as the responsible authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1123/2004 for alterations and proposed first floor additions to the existing semi-detached dwelling including new rear first floor balcony at 6 Haig Street, Maroubra subject to standard conditions.

AMENDMENT: (His Worship the Mayor, Cr M. Matson/Daley) CARRIED & BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

6.5 DEVELOPMENT APPLICATION REPORT - 505-507 BUNNERONG RD MATRAVILLE. (DA0886/2004)

H46 **RESOLUTION:** *(White/Daley) that Council as the consent authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application 886/2004 for demolition of the existing buildings and construction of a 4 storey mixed-use development including 16 dwellings, 2 ground floor commercial premises and ground and basement car parking for 24 vehicles at 505-507 Bunnerong Rd Matraville subject to the following conditions:*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered WAT-C01 through to 10 Rev D 5/5/05, dated 14 July 2004 and received by Council on 11 May 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:*
2. *The colours, materials and finishes of the proposed development shall be in accordance with the details approved for development application 800/2003 for No. 495-503 Bunnerong Rd, Matraville.*
3. *One unit that is capable of being adapted into an accessible unit shall be provided within the development to conform to AS4299-1995 and 1428.1-2001. Lift design shall also enable equitable access and one of the parking spaces allocated to this unit shall also be designed to be accessible for persons with a disability.*
4. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
5. *One loading dock shall be provided within the basement car park. The car wash can be a shared use with one of visitor spaces.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of an appropriate street number/s to the development.

7. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of City Planning, **prior to the commencement of works.***
8. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

9. *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.*
10. *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.*
11. *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.*
12. *The installation of roller shutters or security grilles to the shopfront is not permitted, unless a specific development consent has been obtained from Council.*
13. *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).*
14. *All advertising and signage must be written in English language or both English and relevant non-English language equally. The use of only non-English written advertising is not permissible.*
15. *Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*
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. *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.*
18. *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.*
19. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

20. *Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*
21. *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.*
22. *Appliances provided within the development must satisfy any relevant BASIX requirements and as a minimum appliances should satisfy the following energy ratings:*
 - *Clothes dryers minimum 2.5 star*
 - *Dishwashers minimum 3 star*
 - *Air conditioners minimum 4 star*
 - *Clothes washers minimum 4.5 star*
 - *Fridge minimum 4 star*
23. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.*

The tank is to be located a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate, 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 conditions are applied to satisfy the increased demand for public amenities and public services:

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

| | | |
|-----------|---|-------------------|
| <i>a)</i> | <i>for the provision or improvement of open space</i> | <i>\$10757.28</i> |
| <i>b)</i> | <i>for the provision or improvement of community facilities</i> | <i>\$4756.32</i> |
| <i>c)</i> | <i>for townscape improvements</i> | <i>\$7221.00</i> |
| <i>d)</i> | <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.*

25. *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.*
26. *Development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*

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

27. *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.

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

31. *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.

32. *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".*

33. *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.

34. *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.*

35. *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.

36. *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.*
37. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

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

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

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

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

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

40. *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.

41. *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**.*

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

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

43. *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.***
44. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

45. *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.*
46. *Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
47. *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.*
48. *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.

49. *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.*
50. *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.*
51. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
52. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
53. *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.*
54. *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.*
55. *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.*

56. *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.

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

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

60. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

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

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

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

62. *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.

63. *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.

64. *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.*
65. *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.*
66. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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

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

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

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

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

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

68. A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-
- any works or hoisting of materials over a public footway or adjoining premises, or
 - any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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

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

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

69. 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 Council's development control plan for multi-unit housing 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:

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

71. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a. *Construct full width heavy-duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b. *Remove the redundant concrete vehicular crossings and laybacks along the Bunnerong Road site frontage and reinstate the area with footpath and integral kerb and gutter to Council's specification.*
 - c. *Replace any damaged sections of Council's kerb and gutter along the full site frontage in Bunnerong Road. It is noted that this shall include road reconstruction works where required.*
 - d. *Reconstruct the Bunnerong Road site frontage in accordance with Council's Urban Design Guidelines for Matraville Commercial Centre. It is noted that this may include pavements, street trees, tree squares, tree guards, bins and seat installations as required by Council's Landscape Architect – 9399 0786.*
72. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
73. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
74. *The driveway opening at the Bunnerong Road street frontage must be a minimum of 5.00 metres wide (clear width). Plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

75. *The northern wall adjacent to the opening of retail space 1 shall be constructed of glass alongside the driveway entrance/exit to maintain suitable sightlines to any pedestrians walking from the south.*
76. *A 'Stop' sign to face exiting motorists and a holding line (extending across the southern half of the access ramp) shall be provided at the carpark exit. It is noted that the signage and linemarking shall be provided wholly within the development site.*
77. *A car park type speed hump is to be installed on the southern half of the access ramp 1.0 metre inside the boundary line to slow vehicles exiting the site.*
78. *A Works Zone is to be provided in Bunnerong Road 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.

79. *The proposed awnings along the Bunnerong Road site frontage must be not less than 3m above the footpath at any point and shall be set back 1 metre from the kerb line in Bunnerong Road to allow for future growth of the proposed street trees.*
80. *Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.*
81. *Other than approved street level awnings, there shall be no portion of the building (including balconies and awnings) located beyond the property line.*
Alignment Level Conditions

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

82. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
 - ***2% above the existing top of the kerb level, at all points opposite the kerb, along the full site frontage.***

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

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

83. *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.

84. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$785 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:

85. *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.*
86. *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.*
87. *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.*
88. *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.*
89. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

Drainage Conditions

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

90. *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.*
 - 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.*
91. *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.*
92. *All site stormwater must be discharged (by gravity) to either:*
- a. *The underground drainage system in Bunnerong Road, via a new kerb inlet pit;*
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 SD6.*
- 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.*
93. *A reflux valve shall be provided (within the site) over any pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.*
94. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
95. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).*
96. *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.*
97. *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 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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.

98. *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.

99. *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.*
100. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
101. *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*

102. *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.*
103. *The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level (in the detention/infiltration area) for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.*

(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).

104. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
105. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*

106. *Should a pump system be required to drain any portion of the sit, 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.

107. *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 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.*

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

the Council.

Notes:

- a. The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Asset and Infrastructure Services Department.*
- b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*

109. Two covered car washing bays shall be provided for this development.

- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
- b) The car washing bays must be located outside any required/approved stormwater detention system.*
- c) The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
- d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
- e) A water tap shall be located adjacent to the car washing bays.*

110. 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).*

111. 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.

112. As the above site may encounter groundwater/seepage water within the depth of the

basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

- a) *Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
113. *Should dewatering be required at any point during the excavation, the applicant shall contact the Department of Infrastructure Planning and Natural Resources (DIPNR) to obtain a temporary dewatering license.*
114. *A dilapidation survey of the surrounding properties and infrastructure shall be undertaken by a suitably qualified person prior to the commencement of work.*

Waste Management Conditions

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

115. *The residential garbage room areas shall be sized to contain a total of 16 x 240 litre bins (8 garbage bins & 8 recycle bins) whilst providing satisfactory access to these bins.*
116. *Each of the retail/commercial garbage areas shall be sized to contain 2 x 240 litre bins (i.e. 1 garbage bin & 1 recycling bin for each tenancy) with adequate provisions for access to the bins.*
117. *The retail/commercial garbage areas must be kept separated from the residential bin storage areas.*
118. *The garbage storage areas are to be clearly signposted.*
119. *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.*
120. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and retail components of the development site, post construction.*

Landscape Conditions

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

121. *The landscaping is to be carried out in accordance with the landscaping plans submitted with the development application, prepared by Wallman Partners Pty Ltd, Landscape Architects, drawing number L1, project number 04:10:05, dated October 2004, subject to the following amendments:*

- a. *Deletion of *Ulmus parvifolia* (Chinese Weeping Elm) from the planting schedule, to be replaced with a more suitably sized, alternative species.*

The following additional details shall be provided (with the amended landscape plan) to the certifying authority for approval prior to the issuing of a construction certificate:

- a. *Details showing the position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - b. *Details showing the location of easements within the site and upon adjacent sites (if any).*
 - c. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
122. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
123. *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.

124. *A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$3000.00 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.

125. *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.

126. *The applicant shall submit a separate landscape design for the Bunnerong Road street frontage of the development in accordance with Council's Urban Design Guidelines for the Matraville Commercial Centre. The landscape design may include pavements, street trees, tree squares, tree guards, bins and seat installations as required by Council's Landscape Architect – 9399 0786.*

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

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

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

Tree Management

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

a) \$1500.00 - Street Tree Security Deposit

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

- a. *Remove the existing Acmena smithii (Lilly Pilly) street tree*
- b. *Supply and install 2 x 75 litre street trees at the completion of all works*
- c. *Compensate Council for the loss of amenity caused by the removal of the street tree.*

This condition has been included to allow for provision of a uniform streetscape along Bunnerong Road in accordance with Council's Urban Design Guidelines for this area, as well as to form a continuation of the streetscape work to be undertaken in front of 495-503 Bunnerong Road.

The applicant is to obtain a written quote from Council for compliance with this condition. The applicant shall contact Council's Landscape Officer on 9399 0613 or 9399 0609 to obtain the written quote.

RTA conditions

128. *The design and construction of the vehicular crossing shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section Blacktown.*
129. *All works associated with the development shall be at no cost to the RTA.*
130. *The proposed development shall be designed such that road traffic noise from Bunnerong Road is mitigated by durable materials, in accordance with EPA criteria for new land use development (The Environmental Criteria for Road Traffic Noise, May 1999). The RTAs Environmental Noise Management Manual provide practical advice in selecting noise mitigation treatment. Where the EPA external noise criteria would not be practically or reasonably met, the RTA recommended all habitable and sleeping rooms comply with the BCA for noise mitigation.*
131. *Detailed design plans and hydraulic calculations for stormwater drainage systems shall be submitted to the RTA for approval prior to the commencement of any works. These details shall be forwarded to:*

*The Sydney Asset Management
PO Box 558
Blacktown NSW 2148*

A plan checking fee may be payable and a performance bond may be required before the RTAs approval is issued.

MOTION: (White/Daley) CARRIED – SEE RESOLUTION.

7. MISCELLANEOUS.

7.1 DIRECTOR, CITY PLANNING REPORT 30/2005 - MALABAR HEADLAND. (F2004/06759)

H47 **RESOLUTION:** *(Sullivan/Andrews) it is recommended that the Mayor, on behalf of Council, writes to the Governor-General urging him to dedicate Malabar Headland for the public purpose of “future National Park-open space and recreation”, pursuant to section 122 of the Lands Acquisition Act 1989 [Clth].*

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

7.2 DIRECTOR, CITY PLANNING REPORT 31/2005 - REVIEW OF BACKPACKER PROVISIONS APPLYING TO COOGEE. (F2004/07452)

H48 **RESOLUTION:** *(Sullivan/His Worship the Mayor, Cr M. Matson) that:*

- a) *Council resolve to proceed with the preparation of an amendment to Randwick LEP 1998 to prohibit backpacker accommodation in Coogee;*
- b) *Council note that future changes to backpacker provisions across the City would benefit from the outcomes of the ARC Linkage Project; and*
- c) *Council should proceed with any future amendments to backpacker accommodation provisions via the proposed comprehensive LEP.*

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

7.3 DIRECTOR, CITY PLANNING REPORT 32/2005 - CONSIDERATION OF A SPOT REZONING (LEP) FOR 10-18 BAY STREET, COOGEE AND/ OR THE SURROUNDING LAND. (F2004/07989)

H49 **RESOLUTION:** *(Sullivan/Andrews) that Council resolve not to proceed with the preparation of a draft local environmental plan amendment to rezone 10-18 Bay Street, Coogee and/or the surrounding area under section 54 of the Environmental Planning and Assessment Act 1979.*

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

7.4 DIRECTOR, CITY PLANNING REPORT 33/2005 - INNOVATIVE STATE OF THE ENVIRONMENT REPORTING PROJECT. (F2004/07982)

H50 **RESOLUTION:** *(Sullivan/Andrews) that Council note this innovative project currently being undertaken jointly by Randwick and a team of specialised consultants, towards reform of the State of the Environment Reporting process.*

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

7.5 DIRECTOR, CITY PLANNING REPORT 34/2005 - REVIEW OF DUAL OCCUPANCY DEVELOPMENT. (F2005/00250 & F2005/00261)

H51 **RESOLUTION:** *(Andrews/Procopiadis)* that the matter be deferred for a briefing from Council officers in respect to Council's Subdivision Code (Policy 6.01.22).

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

The meeting was adjourned at 9.03 p.m. & was resumed at 9.20 p.m.

CONFIDENTIAL REPORT.

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.

EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10A(2)(d)(i) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matters under consideration concerned confidential information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, 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.

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the Extraordinary Meeting of the Council be adjourned at 9.21 p.m. to consider the confidential item in closed session.

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the Extraordinary Meeting of the Council be resumed at 10.01 p.m.

REPORT ON CONFIDENTIAL ITEMS CONSIDERED IN CLOSED SESSION.

The General Manager reported that the following matter has been considered and the following recommendation to the Council has been formulated by the Committee-of-the-Whole.

7.6 CONFIDENTIAL GENERAL MANAGER'S REPORT 27/2005 – PROPOSED DEED OF AGREEMENT - DEPARTMENT OF DEFENCE SITE, BUNDOCK STREET, RANDWICK. (F2004/06778)

H52 **RESOLUTION:** *(Daley/Sullivan)* that Council authorises the General Manager to enter into negotiations with the Department of Defence and finalise the Deed of Agreement for the delivery of the Commonwealth's obligations under the Master Plan and consents for the site, as well as any other related matters, subject to the General Manager being authorised to negotiate the following conditions into the Deed of Agreement:-

i) *Council insist on full remediation works on site and removal of contaminants from the site prior to the commencement of any residential development;*

- ii) *that Council receive a bond which is sufficient to cover the costs of developing the Environmental Park;*
- iii) *the completion of the access road;*
- iv) *a timetable for completion of all works;*
- v) *Council being able to stop work if required at any time;*
- vi) *completion of the community centre;*
- vii) *right of community access; and*
- viii) *right of staff access.*

MOTION: (Daley/Sullivan) CARRIED – SEE RESOLUTION.

AMENDMENT: (His Worship the Mayor, Cr M. Matson/Hughes) that:

- a) consideration of this matter be deferred to the next Ordinary Council Meeting to discuss the following conditions being included into the Deed of Agreement;
 - i) Council insist on full remediation works on site and removal of contaminants from the site prior to the commencement of any residential development;
 - ii) that Council receive a bond which is sufficient to cover the costs of developing the Environmental Park;
 - iii) the completion of the access road;
 - iv) timetable for completion of all works;
 - v) Council being able to stop work if required at any time;
 - vi) completion of the community centre;
 - vii) right of community access; and
 - viii) right of staff access.

- b) that Ms Jocelyn McGirr be invited to attend the next Ordinary Council Meeting to provide input to the conditions to be included into the Deed of Agreement. **LOST.**

A division on the amendment was called for by Crs Hughes & His Worship the Mayor, Cr M. Matson. Voting was as follows:-

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

FURTHER AMENDMENT: (His Worship the Mayor, Cr M. Matson/Hughes) that the community be involved in this process by inviting either Jocelyn McGirr or a representative of the Moverly Precinct Committee to address the next Ordinary Council Meeting. LOST.

Cr Hughes, His Worship the Mayor, Cr M. Matson and Cr Woodsmith requested that their names be recorded as opposed to the resolution.

8. GENERAL BUSINESS.

Nil.

9. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 10.05 p.m.

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CHAIRPERSON