

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 26TH JULY, 2005 AT 6:09 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 (from 7.54 p.m.) & A. White

East Ward - Cr D. Sullivan

West Ward - Crs B. Hughes, S. Nash & J. Procopiadis

Central Ward - Crs A. Andrews (from 6.30 p.m.), C. Bastic (from 6.52 p.m.) & 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.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Development Assessment	Mr. K. Kyriacou.
Community Consultation & Liaison Officer	Mr M. Ryman.

1. COUNCIL PRAYER

The Council Prayer was read by Councillor Bruce Notley-Smith.

2. APOLOGIES.

Nil.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 28TH JUNE, 2005.

313 **RESOLUTION:** *(Kenny/Nash) that the Minutes of the Ordinary Council Meeting held on Tuesday, 28th June, 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 Woodsmith declared a Pecuniary interest in Item No. 13.2, Confidential Director, Governance & Financial Services' Report 32/2005 - Legal Services Tender No. T034/05 as her son works for one of the tendering law firms.
- (b) Cr Nash declared a Non-Pecuniary interest in Item No. 13.2, Confidential Director, Governance & Financial Services' Report 32/2005 - Legal Services Tender No. T034/05 as he is a practicing solicitor.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

- 1. Dr Stephen Shumack, 136 Pittwater Road, Boronia Park on Item 6.9, Mayor's Minute 105/2005 – UV Indicator Coogee Beach.
- 2. Ms Julia Strano, C/-Yarra Bay House, La Perouse on Item 6.13, Mayor's Minute 109/2005 – La Perouse Land Council Request For Rate Exemption And Repaying From Non-Rateable Period.
- 3. Mr Frank Back, Suite 69B, Level 1, 73 Belmore Road, Randwick on Item 9.1, Acting Director, City Planning Report 44/2005 – 2-14 Maroubra Road, Maroubra.
- 4. Mr Spiro Nicolieu, 28 Glenfield Street, Maroubra on Item 9.1, Acting Director, City Planning Report 44/2005 – 2-14 Maroubra Road, Maroubra.
- 5. Mr Renato D'Eettore, Level 2, Suite 203, 19A Boundary Street, Rushcutters Bay on Item 9.2, Acting Director City Planning Report 45/2005 – 14 Marine Parade, Maroubra.
- 6. Mr Alex Smith, 103-233 New South Head Road, Edgecliff on Item 9.3, Acting Director, City Planning Report 46/2005 – 47-53 Dudley Street, Coogee.
- 7. Mr Michael Richards, 88 Dudley Street, Coogee on Item 9.3, Acting Director, City Planning Report 46/2005 – 47-53 Dudley Street, Coogee.
- 8. Mr David Jivan, 41 Tunstall Avenue, Kingsford on Item 9.4, Acting Director, City Planning Report 47/2005 – 41 Tunstall Avenue, Kingsford.
- 9. Mr Lance Doyle, 1st Floor, Suite 102-25/29 Berry Street, North Sydney on Item 9.4, Acting Director, City Planning Report 47/2005 – 41 Tunstall Avenue, Kingsford.
- 10. Mr Michael Khoury, 45 Crescent Street, Rozelle on Item 9.5, Acting Director, City Planning Report 48/2005 – 10-14 Duke Street, Kensington.
- 11. Mr Greg Prentice, 75 Pigott Street, Dulwich Hill on Item 9.5, Acting Director, City Planning Report 48/2005 – 10-14 Duke Street, Kensington.
- 12. Mr Stephen Buzacott, 5 Jesmond Street, Surry Hills on Item 9.6, Acting Director, City Planning Report 49/2005 – 96-98 St Paul Street, Randwick.
- 13. Mrs Antonia Barila, 14C Dudley Street, Randwick on Item 9.6, Acting Director, City Planning Report 49/2005 – 96-98 St Paul Street, Randwick.
- 14. Mr Emil Dan, 3 Inman Street, Maroubra on Item 11.7, Motion Pursuant to Notice by Cr Seng – Naming Reserve On Alison & Wansey Roads.

The meeting was adjourned at 7.20 p.m. & was resumed at 8.48 p.m.

RESOLVED: (PROCEDURAL MOTION) (Sullivan/Procopiadis) that all Mayoral Minutes, with the exception of Mayoral Minute 109/2005, be considered at the conclusion of the Director, City Planning's Reports.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 97/2005 - DAMAGE TO WETLAND IN TRENNERY RESERVE, COOGEE. (F2004/08441)

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

- a) *The upgrading of the fence on the western and southern of the pond should be undertaken as soon as the outcome of the grant application is known. If the grant application is unsuccessful, funds in the amount of \$38,000.00 should be identified in the 2006/07 capital works budget to undertake this work;*
- b) *The current program for the upgrade of the interpretive signage be completed; and*
- c) *Regulation signage should be installed in close proximity to the wetland. This signage would prohibit access into the wetland and include other standard regulatory information. The cost of this signage would be approximately \$4200.00. The funds for this signage should be included in the 2006/07 Capital Works budget.*

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

6.2 MAYORAL MINUTE 98/2005 - ENERGY EFFICIENT LIGHT BULB OFFER FOR RANDWICK RESIDENTS TO TACKLE GREENHOUSE GAS EMISSIONS. (F2004/06424)

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

- 1) *Council agrees to the purchase of 10,000 boxes of energy efficient bulbs at a cost of \$50,000.00;*
- 2) *The purchase of these energy efficient bulbs is for distribution only to residents and ratepayers of Randwick on proof of residency and return of the completed greenhouse gas abatement certificates at specified Council locations and events;*
- 3) *A report be brought back to Council on the completion of the Campaign confirming distribution details, and the savings generated to residents in dollar terms and in greenhouse gas emissions; and*
- 4) *The Tackling Greenhouse efforts of Council be communicated as broadly as possible, both within Council and externally via Communications and Sustaining our City staff.*

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

6.3 MAYORAL MINUTE 99/2005 – RESOURCE RECOVERY FROM CLEAN UP AND ILLEGALLY DUMPED MATERIALS. (F2005/00462)

316 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that Council endorse the SSROC Councils' endeavour in maximum resource recovery from clean up materials through collective tendering.

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

6.4 MAYORAL MINUTE 100/2005 – UNIVERSITY OF NSW PARTNERSHIP FOR DEVELOPMENT CONTROL PLANS. (F2005/00248)

317 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Council initiate formal discussions with the University of NSW to further involve the University Staff in peer reviewing draft development control plans in relation to sustainability issues.

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

6.5 MAYORAL MINUTE 101/2005 – INDUSTRIAL RELATIONS REFORM. (F2004/06574)

318 **RESOLUTION:** *(Tracey/Andrews)* that:

- a) *the General Manager authorise (via Unions NSW) the purchase and prominent erection of two 10 metre street banners in Coogee Bay Road, Coogee and Belmore Road, Randwick bearing the generic campaign slogan “Your Rights at Work – Worth Fighting For” with, if possible, the Council logo attached, and that the cost be met from the 2005/06 contingency fund; and*
- b) *Council donates \$1000.00 to the ACTU to further this campaign, such funds to come from the 2005/06 Contingency Fund.*

MOTION: (His Worship the Mayor, Cr M. Matson) that the General Manager authorise (via Unions NSW) the purchase and prominent erection of two 10 metre street banners in Coogee Bay Road, Coogee and Belmore Road, Randwick bearing the generic campaign slogan “Your Rights at Work – Worth Fighting For” with, if possible, the Council logo attached, and that the cost be met from the 2005/06 contingency fund.

AMENDMENT: (Tracey/Andrews) CARRIED AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.

Crs Belleli, Kenny, Nash, Notley-Smith & Seng requested that their names be recorded as opposed to the resolution.

6.6 MAYOR’S MINUTE 102/2005 – DETERMINATION OF COUNCIL POSITION ON PROPOSED SINGLE NSW LGA. (F2004/07778)

319 **RESOLUTION:** *(Bastic/Andrews)* that Council support the one Local Government Association with equal representation between the metropolitan and rural Councils as per the preferred position in the “Options Paper for One Local Government Association in NSW.”

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

6.7 MAYORAL MINUTE 103/2005 – THE SHACK YOUTH SERVICES NEED FOR ACCOMODATION. (F2004/07673)

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

- a) *Council work in partnership with the Shack Youth Services to explore avenues to address the long-term accommodation needs for the service;*

- b) *Council support and become party to a building sub-committee with stakeholder membership to develop and implement appropriate strategies, in order to address the long term accommodation requirements of the Service;*
- c) *A further full assessment of potential land sites, including Broad Arrow Reserve and Heffron Park take place to ascertain the most viable option for the construction of a purpose built youth facility, in order to address the long-term accommodation needs of the Shack Youth Services; and*
- d) *A detailed report be provided to Council once the above assessment has been completed, with recommendations of appropriate land sites and funding options for the construction of a youth facility.*

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

6.8 MAYORAL MINUTE 104/2005 – LICENSED PREMISES- HOURS OF OPERATION. (F2004/07767)

(Note: Cr Daley declared a non-pecuniary interest in this matter as he is the President of a licensed premises in Coogee and left the Chamber, taking no part in discussion of & voting thereon.

321 **RESOLUTION:** *(Andrews/Sullivan) that this matter be deferred to the next Ordinary Council Meeting to consider a report from the Director, City Planning expanding on the issues raised in the Mayor’s Minute No. 104/2005.*

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

6.9 MAYOR’S MINUTE 105/2005 – UV INDICATOR PROJECT. (F2004/06574)

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

- 1) *this matter be deferred to the next Ordinary Council Meeting to consider a report from the relevant officer elaborating on this proposal, such report to include the issues of the advertising restrictions, how such a structure would fit in with the Randwick LEP and an assessment of appropriate locations for the UV Indicator within the Randwick City area; and*
- 2) *subject to this report and after consultation with the Coogee Precinct Committee and JC Decaux, the General Manager be authorised to select an appropriate design for the UV Indicator and arrange with S2i Communications to trial it during the 2005/2006 summer season;*

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

6.10 MAYOR’S MINUTE 106/2005 –ROTARY CIVIC RECEPTION. (F2005/00687)

323 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Council host a Civic Reception in September to honour the dedicated members of both Randwick and Maroubra Rotary clubs and to welcome the District Governor to our City.*

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

**6.11 MAYOR'S MINUTE 107/2005 – COOGEE SURF LIFE SAVING CLUB.
(F2004/07637)**

324 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Council write to the Coogee Surf Life Saving Club providing in principle support for the proposed refurbishment of the Club building (subject to the assessment of a development application), and advising that the development application will be fast tracked in line with the Club's proposed timetable.

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

**6.12 MAYOR'S MINUTE 108/2005 - PENINSULAR LOCAL AREA TRAFFIC
MANAGEMENT. (F2004/07231)**

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

- a) *Writes to the Minister and local MP's for Heffron, Coogee and Maroubra;*
 - i) *Noting that the latest LATM option presented to the last Working Group meeting departs from commitments given to the community by the MP for Heffron that increased traffic from the ramps proceeding would be kept to arterial roads and not local;*
 - ii) *Arguing that the expected failure of the Kingsford Roundabout to cope with the extra traffic justifies abandoning the ramps proposal; and*
 - iii) *Requesting meetings with the Minister and local MP's to discuss contingencies for dealing with the ramps expected flow-on traffic to other areas outside of the immediate Kensington Kingsford area should the proposal proceed;*
- b) *Authorises the Mayor to convene further briefing sessions for Councillors with street representatives to assess the appropriateness of a peninsular LATM design for the Kensington Kingsford area; and*
- c) *Authorises the Mayor to choose four sites within the LGA to position street banners bearing the slogan "No Ramps – Yes Light Rail" and that these banners are to be paid for from the 2005/06 contingency fund.*

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

**6.13 MAYOR'S MINUTE 109/2005 - LA PEROUSE LAND COUNCIL REQUEST
FOR RATE EXEMPTION AND REPAYING FROM NON-RATEABLE
PERIOD. (F2004/07687)**

326 **RESOLUTION:** *(Woodsmith/Notley-Smith)* that this matter be deferred to the next Ordinary Council Meeting to allow for further investigation with a report to come back to Council, such report to include an assessment of the financial ramifications to Council following due consultation with other relevant stakeholders including Aboriginal Authorities and the Department of Local Government, as well as legal advice on the lawfulness of giving such an exemption.

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

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 32/2005 - STATUS OF ORGANISATIONAL STRUCTURE. (F2004/08214 xr F2005/00524)

327 *RESOLUTION: (Notley-Smith/Seng) that the General Manager's Report 30/2005 be received & noted.*

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

7.2 GENERAL MANAGER'S REPORT 33/2005 - PRECINCT COORDINATION COMMITTEE MEETING - MINUTES. (F2005/00487)

328 *RESOLUTION: (Andrews/Notley-Smith) that the Precinct Coordination Committee meeting minutes be received and noted by Council.*

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

8. DIRECTOR, CITY SERVICES' REPORT.

8.1 DIRECTOR, CITY SERVICES' REPORT 90/2005 - REVISED RANDWICK CITY COUNCIL TREE PRESERVATION ORDER 2005. (F2004/07359)

329 *RESOLUTION: (Andrews/Woodsmith) that Council adopt and implement the revised Randwick City Council Tree Preservation Order 2005 unamended - as considered by Council at its Ordinary Council meeting held on Tuesday 26 April, 2005.*

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

9. DIRECTOR, CITY PLANNING REPORTS.

9.1 DIRECTOR, CITY PLANNING REPORT 44/2005 – 2-14 MAROUBRA ROAD, MAROUBRA. (DA/0205/2005)

330 *RESOLUTION: (Bastic/Daley) 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 205/2005 for Change of use to the existing bistro area of the Pagewood Hotel as a place of public entertainment, including minor internal improvements to cater for karaoke and amplified music with hours of operation 12noon to 3am daily at 2-14 Maroubra Rd Maroubra subject to the following conditions:-*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered sheet 1 of 1, dated Mar 2005 and received by Council on 25 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:

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:

2. *Signs shall be placed on or adjacent to all exits with the following wording "Please leave the premises in a quiet and orderly manner without disturbing the peace of the neighbourhood"*
3. *At no time shall the premises provide any live entertainment other than Karaoke.*
4. *Entertainment shall only be provided in the Bar / Bistro area and Lounge / Dining area and the maximum number of persons permitted in the place of public entertainment area is limited to a maximum number of 250 persons.*
5. *The hours of operation of public entertainment is limited to:*

Friday to Saturday: 12 Noon - 12.00 Midnight
Sunday to Thursday: 12 Noon – 10.00 pm

6. *The use of the premises for public entertainment is limited for a period of 1 year from the date of the commencement of public entertainment to enable the Council to monitor and assess the impact of the development on the public health, safety and amenity of the occupants of the building and residents of the locality. Council must be notified in writing 7 days prior to the commencement of the public entertainment.*

A separate application must be made to the Council in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993, if it is proposed to use the premises for public entertainment after the 1 year trial period.

7. *When entertainment is provided at the premises not less than two security guards must be provided, identified as such by uniform, to take all reasonable steps to prevent noisy and unruly behaviour of patrons leaving the premises. These security guards should be based to the rear of the site and patrol the car park as well as the front of the hotel.*
8. *A plan of management must be submitted to and approved by Council's Director City Planning in writing prior to commencing any public entertainment, which comprehensively details to Councils satisfaction, the measures to be implemented to:*
 - *ensure compliance with the relevant conditions of approval,*
 - *minimise the potential impact of the operation of the premises upon nearby residents,*
 - *effectively minimise and manage anti-social behaviour,*
 - *minimise noise emissions and associated nuisances,*
 - *effectively manage and respond to resident complaints,*
 - *ensure responsible service of alcohol and harm minimisation*
9. *The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All*

complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.

10. *The noise attenuation measures detailed in Section 6 (Discussion) of the acoustic report prepared by Acoustic Logic Pty Ltd, dated February 2005, shall be fully complied with, when entertainment is provided.*
11. *A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within 3 weeks of the commencement of the public entertainment, 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 Industrial Noise Policy Noise Control Manual (sleep disturbance) recommended attenuation measures detailed in acoustic report dated February 2005 and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

The report is also to include details of compliance with the relevant noise emission conditions of this consent and the measures implemented to ensure and monitor compliance with the noise criteria while public entertainment is being provided. Such measures may include the installation of a noise limiting device or other suitable measures to monitor compliance with the conditions of development consent.

12. *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.*
13. *The maximum internal level of noise in the form of amplified music within the public entertainment area **must not exceed** an L_{A10} of 91 dB(A) at 3 metres from any speaker at all times.*
14. *The L_{10} noise level emitted from the premises shall not exceed 5dB above the background level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) at the nearest affected residential boundary between the hours of 7.00am to midnight. The background level shall be measured in the absence of noise emitted from any music/entertainment provided in premises.*
15. *The L_{10} noise level emitted from premises shall not exceed the background level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) from 12.00 midnight to 7.00am at the nearest affected residential boundary. The background level shall be measured in the absence of noise emitted from any entertainment provided in premises.*
16. *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.*

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

17. *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.

18. *All new building work, including fire upgrading works and the works associated with the upgrading of glazing, 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.*

19. ***Prior to the commencement of any building works*** (including fire upgrading works and the works associated with the upgrading of the glazing), 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.

20. ***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.*

21. *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.

22. *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 requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

23. *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 the relevant conditions of development consent have been satisfied.*

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

24. *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.*
25. *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.*
26. *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.*

LOCAL GOVERNMENT ACT 1993, CONDITIONS:

The following conditions are applied to ensure that the development satisfies the relevant provisions of the Local Government Act 1993, and to maintain reasonable levels of amenity, health and safety:-

Approval is granted to use the Bar / Bistro area and Lounge / Dining area, within the subject premises as a Place of Public Entertainment, subject to the following conditions:

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27. *Entertainment is only to be provided in the Bar / Bistro area and Lounge / Dining area and the maximum number of persons permitted in the place of public entertainment area is limited to a maximum number of 250 persons.*
28. *The hours of operation of public entertainment is limited to;*
- | | |
|----------------------------|---------------------------------|
| <i>Friday to Saturday:</i> | <i>12 Noon - 12.00 Midnight</i> |
| <i>Sunday to Thursday:</i> | <i>12 Noon – 10.00 pm</i> |
29. *The existing levels of fire safety within the building are to be upgraded and the works specified in the conditions of approval are to be carried out as part of this approval and prior to commencement of any public entertainment usage.*
30. *The following fire safety measures are required to be provided within the premises, prior to commencement of any public entertainment usage and a fire safety certificate is to be provided to Council accordingly, which certifies that the essential fire safety measures satisfy relevant Building Code of Australia requirements and standards:-*
- *The mechanical ventilation / air handling system within the building is to comply with NSW table, Specification E2.2b of the Building Code of Australia, and certification is to be provided to Council accordingly.*
 - *An automatic smoke detection and alarm system is to be installed within the subject premises, to comply with Part E2 of the Building Code of Australia and certification is to be provided to Council accordingly.*
31. *The public entertainment usage must not commence before the premises is inspected and approval is granted by Council's Building Surveyor, to ascertain compliance with the relevant conditions of approval.*
32. *This approval is limited for a period of 1 Year only from the date hereon to enable the Council to monitor and assess the impact of the Activity on the public health, safety and amenity of the occupants of the building and residents of the locality.*
- A separate application must be made to the Council in accordance with Section 68 of the Local Government Act, 1993 if it is proposed to use the premises for public entertainment after the above stated period.*
33. *The number of persons permitted in the premises must not exceed the authorised capacity and appropriate measures are to be implemented to ensure compliance, such as using a hand held counting device carried out by a specifically appointed manager or duty officer or issue of numbered tickets, supplemented by a periodical head count by a specially appointed manager or duty officer.*
34. *When entertainment is provided at the premises not less than two security guards must be provided, identified as such by uniform, to take all reasonable steps to prevent noisy and unruly behaviour of patrons leaving the premises.*
35. *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.*

36. *The maximum internal level of noise in the form of amplified music within the public entertainment area **must not exceed** an L_{A10} of 91 dB(A) at 3 metres from any speaker at all times.*
37. *The noise attenuation measures detailed in Section 6 (Discussion) of the acoustic report prepared by Acoustic Logic Pty Ltd, dated February 2005, must be fully complied with, when entertainment is provided.*
38. *A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council within 3 weeks of the commencement of the public entertainment, 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 Industrial Noise Policy Noise Control Manual (sleep disturbance) recommended attenuation measures detailed in acoustic report dated February 2005 and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

The report is also to include details of compliance with the relevant noise emission conditions of the consent and the measures implemented to ensure and monitor compliance with the noise criteria while public entertainment is being provided. Such measures may include the installation of a noise limiting device or other suitable measures to monitor compliance with the conditions of development consent.

39. *A plan of management must be submitted to and approved by Council in writing prior to commencing any public entertainment, which comprehensively details to Council's satisfaction the measures to be implemented to:*
 - *ensure compliance with the relevant conditions of approval,*
 - *minimise the potential impact of the operation of the premises upon nearby residents,*
 - *effectively minimise and manage anti-social behaviour,*
 - *minimise noise emissions and associated nuisances,*
 - *effectively manage and respond to resident complaints,*
 - *ensure responsible service of alcohol and harm minimisation*
40. *The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.*
41. *The Place of Public Entertainment is to be registered with the Council prior to operation of the public entertainment and on an annual basis and the premises is subject to a service fee for inspections by Council officers, in accordance with Council's adopted Pricing Policy.*
42. *Seating in the entertainment area must allow for permanent, unobstructed access to exits from the entertainment area at all times.*

43. *All paths of travel and stairways shall be maintained clear and unobstructed at all times so as not to impede the free flow or prejudice the safety of persons in the premises.*
44. *Egress doors shall not be locked or otherwise obstructed at anytime while the premises are occupied.*
45. *Trading hours shall be in accordance with the relevant conditions of Development Consent.*
46. *A copy of this approval and a copy of the fire safety certificate/annual fire safety statement must be permanently displayed in a prominent, visible position within the building (ie building entrance foyer), to the satisfaction of Council's Building Surveyor.*
47. *An Annual Fire Safety Statement (form 15A) is to be submitted to the Council on an annual basis, certifying the operation of all essential fire and other safety measures within the premises.*
48. *A fire safety certificate is required to be submitted to the Council (and a copy provided to the NSW Fire Brigades) upon installation of the essential fire safety measures, which satisfies the requirements of part 9 of the Environmental Planning & Assessment Regulation 2000.*

ADVISORY MATTERS

- A1. *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.

- B. *A report is to come back to Council after 1 year detailing the results of this trial.*

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

His Worship the Mayor, Cr M. Matson, Crs Belleli, Hughes, Notley-Smith, Seng & Woodsmith requested that their names be recorded as opposed to the resolution.

9.2 DIRECTOR, CITY PLANNING REPORT 45/2005 – 14 MARINE PARADE, MAROUBRA. (DA/139/2005)

331 **RESOLUTION: (Sullivan/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 139/2005 for alterations and construction of additional*

floor level to the existing dwelling, including new swimming pool and detached double garage at 14 Marine Parade, Maroubra subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans drawn by Renato D'Ettorre Architect numbered A-02 , dated 09/05/05 and stamped received by Council on 27/05/05 and plans numbered A-01, A-03 through to A-08, dated 09/05/05 and stamped received by Council on 29/06/05, the sample board titled "Palette Study: 14 Marine Parade, Lurline Bay" stamped received by Council on 7 July 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 sill height of the west facing ground floor window to the kitchen and living area are to be increased to be a minimum height of 1.7m above the respective floor levels, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above floor level. The north facing pane of the corner window to the kitchen may remain as shown on the plans.*

This condition is imposed to minimise the potential for overlooking of the adjoining property to the west. Details are to be included in the plans submitted with the Construction Certificate application.

3. *A minimum of 20% of the site area is to be provided as deep soil, soft landscaped area. The lower level terrace at the southeastern corner of the site is to be soft landscaped. The water feature may be deleted to achieve compliance with this requirement, alternatively soft landscaping is to be provided to the open court adjacent the dining room on this level. Planter boxes and roof terrace areas are not to be included in 'deep soil' calculations.*

This condition is imposed to maintain the landscape character of the area and meet the objectives of stormwater infiltration.

4. *The glazed balustrading to the western side of the Level 2 terrace is to be setback 4.6 metres from the western boundary where there is no planter box to restrict access to the edge of the terrace and reduce the trafficable area of this terrace. This condition is imposed to minimise overlooking of the private open space of 10 Marine Parade and details are to be included in the plans submitted with the Construction Certificate application.*
5. *The 7 northernmost uprights of the pergola structure to the garage terrace are to be removed from the plans to preserve views to adjoining properties and minimise the impact of the development on the street. The 5 southernmost pergola uprights may be retained for screening to the dwelling. Details required by this condition are to be included in the drawings submitted with the Construction Certificate application.*
6. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
7. *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.*

8. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
9. *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.*
10. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
11. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
12. *The enclosure of approved balconies, terrace areas or voids is prohibited by this consent. The further enclosure of approved areas resulting in increases to the floor space ratio is also prohibited.*
13. *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.*
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. *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 City Planning has been obtained beforehand.*

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

16. *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.
17. *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.*
18. *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.*

19. *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.*
20. *A rainwater tank, of sufficient size to provide water for irrigation of 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 450mm 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 plans, to the satisfaction of the Certifying Authority.*

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

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

21. *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.

22. *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.*
23. *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.*
24. *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.

25. *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.

26. *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".*
27. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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

28. *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 the relevant conditions of development consent have been satisfied.*

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.

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

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

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.

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

32. *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 that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

33. *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.*
34. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
35. *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.*
36. *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.*

37. *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.*
38. *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.*
39. *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.*
40. *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.*
41. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stages of construction:***
 - a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
 - b) *Prior to construction of Level 2, showing the land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - c) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks.*
42. *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.*
43. *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.

44. *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.*
45. *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.*
46. *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.*
47. *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.

48. *A warning sign for sediment control, 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.*
49. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

Temporary site 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 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.

50. *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, 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 ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

51. *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.

52. *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.*
- *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.*

53. *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

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.*

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

54. *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.*
55. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

56. *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.*
57. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

58. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of City Planning, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*

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.

Landscaped areas should include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.

59. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
60. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
61. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stencilled concrete or similar shall be used throughout the driveway areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

62. *Council's Bushland Management Unit have advised that the following species are deemed unsuitable given their invasive properties and the proximity of the site to the cliff faces of Lurline Bay which has been a site of bush regeneration over the past few years. As such, the following species shall be deleted from the proposed plan and are to be replaced with more suitable alternatives. Should the applicant require further information regarding this condition, they shall contact Council's Bushland Management Unit on 9399-0683.*
 - a) *Equisetiformis sp (Horsetail)*
 - b) *Eragrostis elongata cv Elvera (Lavender Grass)*
 - c) *Pennisetum alopecuroides 'Puirple Lea' (Swamp Foxtail)*
63. *The proposed use of Vitex trifolia (Vitex) is not supported due to the poor appearance of this species upon maturity. As such, a more suitable, similar sized native tree shall be provided in its place in this area of the site.*
64. *Approval is granted for the removal of the following tree subject to the planting of 1 x 25 litre broad canopied replacement tree (not a palm) within the front portion of the site. The species selected shall be one that will attain a minimum height of 4 metres at maturity.*
 - a) *One Banksia integrifolia (Coastal Banksia) in the northeast corner of the site.*

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

65. *The proposed concrete Headwall discharge located along the Lurline Bay Reserve, as shown on Drwg No 205006-Ho1 Rev A by Niven Donnelly & Partners shall be to the satisfaction of Council's Director of City Services.*

Notes: Further details showing exact location including extent of scour protection are to be shown on the plans submitted for the Construction Certificate and are to be to the satisfaction of Council's Director of City Services.

The applicant shall contact Council's Assets Drainage Engineer (Paul Tatham) to ensure meeting Council's requirements.

Advisings

- A1 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

9.3 DIRECTOR, CITY PLANNING REPORT 46/2005 – 47-53 DUDLEY STREET, COOGEE. (DA/68/2005)

(Note: A Rescission Motion on this matter was submitted to the General Manager prior to the close of the Meeting.)

- 332 **RESOLUTION: (Woodsmith/Notley-Smith)** *that Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 68/2005 for Demolition of existing dwellings and construction of a new 3 storey multi unit housing development comprising 3 x 1, 9 x 2 and 1 x 3 bedroom dwellings and basement carparking for 19 cars and strata subdivision into 13 lots at 47-53 Dudley Street, Coogee for the following reasons:-*

- 1. The proposal does not satisfy the objective of Clause 12 for Zone 2c as it compromises the amenity of the surrounding residential area due to the inadequate setback along Asher Street; and*
- 2. The proposal exceeds the maximum FSR and results in an adverse impact of bulk, scale and overshadowing on the amenity of adjoining properties.*

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

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

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

9.4 DIRECTOR, CITY PLANNING REPORT 47/2005 – 41 TUNSTALL AVENUE, KINGSFORD. (DA216/2003/B)

333 **RESOLUTION: (Daley/Notley-Smith)** that this application be deferred to the next Ordinary Council Meeting to allow the applicant to submit amended plans.

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

9.5 ACTING DIRECTOR, CITY PLANNING REPORT 48/2005 – 10-14 DUKE STREET, KENSINGTON. (DA/506/2004)

(Note: A Rescission Motion on this matter was submitted to the General Manager prior to the close of the Meeting.)

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

A. Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 32(1) and 33(3) of the Randwick Local Environmental Plan 1988, relating to floor space ratio and external wall height, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure Planning & Natural Resources be advised accordingly.

AND

B. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 506/2004 for Demolition of existing buildings on the site and construction of a new 4 storey multi unit housing development comprising 10 x 1, 6 x 2 and 1 x 3 bedroom dwellings and basement carparking for 24 cars. at 10-14 Duke Street, Kensington 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. *Details of the proposed colours, materials and textures (ie: sample board and coloured elevations) are to be submitted to and approved by Council's Director City Planning.*
2. *The upper floors of Units 12 & 13 are to be deleted from the plans. This condition is imposed to minimise overshadowing and the visual bulk and scale of the proposal.*
3. *The upper floors of Units 14 and 15 are to be reoriented to face north-south with no increase to the area of this part of the building. North facing windows are to be provided wherever possible and access to natural light and ventilation is to be maximised to bathroom areas. This condition is imposed to improve the amenity of Units 14 and 15 and minimise the privacy impacts to 16 Duke Street.*

4. *Parking spaces number 7 and 8 are to be deleted and the rear wall of the basement moved north in favour of deep soil landscaping. Details, including intended planting to this area, are to be shown on the plans submitted to satisfy the deferred commencement conditions. This condition is imposed to maximise deep soil areas for enhanced landscape opportunities.*
5. *Amended plans are to be submitted showing a ground floor unit as an accessible or adaptable unit. Door widths and placement of fittings are to reflect compliance with AS1428.1 and AS 4299. This condition is imposed to ensure compliance with the Multi Unit Housing DCP.*
6. *The front fence is to be modified to provide greater delineation between the main entry to the development and the private entry to Unit 1. The entry gate to Unit 1 is to be moved so that it is adjacent to the driveway to the development at the eastern end of the site. This condition is imposed to maximise the privacy to Unit 1 and to minimise confusion as to the main building entry from the street.*
7. *Prior to this consent becoming operational, the applicant shall be requested to submit amended plans (including a longitudinal section through the centerline and inside edge of the driveway) showing:*
 - a. *A high point being provided across the full width of the driveway to a minimum RL of 26.50 (i.e. 300mm above the adjacent top of kerb level).*
 - b. *Compliance with the issued alignment level at the property boundary; and*
 - c. *Satisfactory ramp grades in accordance with AS 2890.1 (2004)*
8. *Prior to this consent becoming operational, the applicant shall submit amended plans showing:*
 - a. *All new walls adjacent to vehicular crossings being 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.*
 - b. *The clear width of the internal driveway being:*
 - *a minimum 5.5 metres for the first 6 metres into the site; and*
 - *a minimum 3.0 metres with 300mm wide kerbs on either side at all other points (in accordance with section 2.5.2 of AS 2890.1 (2004)).*

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

Development Consent Conditions

1. *The development must be implemented substantially in accordance with Revision C of the plans numbered Job No. 0343 and drawing numbers C01-C09, dated 01/12/04 in the amendments box and stamped received by Council on 1 December 2004, the application form and on any supporting information received with the application, except as may be amended by the information submitted to satisfy the deferred commencement conditions and as amended by the following conditions and as may be shown in red on the attached plans:*

2. *The blade walls adjacent to the entry to Unit 1 on the northern elevation are to project a maximum of 2 metres from the northern external wall of the development. This condition is imposed to minimise the bulk and scale of the development. Details are to be included prior to issue of a Construction Certificate.*
3. *The finished floor to finished ceiling height is to be 2.7 metres. Details are to be included prior to the issue of a Construction Certificate.*

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:

4. *Solid balustrading is to be provided to the west facing balconies of Units 8, 9, 14 and 15.*
5. *A privacy screen having a minimum height of 1.8m is to be provided to the western and eastern edges of the balconies to Units 10, 11, 16 and 17 and the screen shall be constructed of timber slats at a spacing which precludes overlooking of adjoining properties. This condition is imposed to protect the privacy of dwellings at 8 and 16 Duke Street.*

Details of compliance are to be provided in the Construction Certificate plans.

6. *The west facing glazing to the common stairs within the development is to be obscured. The glazing is only to be operable if it is 1.5m or higher above finished floor level. This condition is imposed to maintain privacy to the adjoining dwelling to the west.*

Details required by this condition are to be provided with the Construction Certificate plans.

7. *The sill height of the following windows are to be increased to be a minimum height of 1.7m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above floor level.*
 - *The east facing living room windows to Units 17 and 11*
 - *The west facing living room windows to Units 10 and 16*

8. *A roller door or gate is to be provided to the carparking to maintain security to the carparking area. Public access to the visitors' carparking spaces is to be maintained at all times and this may be achieved by the installation of a suitable intercom system adjacent to the carpark entry.*

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

9. *Visitor parking spaces are to be clearly signposted within the basement carpark. Details are to be provided with the construction certificate application.*
10. *An intercom and gate is to be provided at the building line to secure the pedestrian path along the western side of the development from the street for residents and visitors. Details of compliance are to be provided in the relevant plans and specifications for the **construction certificate**.*

11. *Adequate lighting is to be provided to external entry path of the development on the western side of the building to allow residents and visitors to safely access the building. Adequate lighting is also to be provided to communal areas within the building including the basement carpark. Details are to be included in the construction certificate application.*
12. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
13. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8m*, to maintain reasonable levels of amenity to the adjoining premises.*

An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.

14. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
15. *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.*
16. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
17. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
18. *The enclosure of balconies is prohibited by this consent.*
19. *Power supply and telecommunications cabling to the development shall be underground.*
20. *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.*
21. *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.

22. *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.*
23. *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.*

24. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate and an occupation certificate**, respectively.*

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

25. *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.

26. *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.*
27. *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.*

28. *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.*
29. *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*

30. *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.*

Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the

landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.

31. 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.

The following condition is applied to satisfy the increased demand for public amenities and public services:

32. In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.
- | | |
|---|-------------|
| a) for the provision or improvement of open space | \$16,733.50 |
| b) for the provision or improvement of community facilities | \$ 7,399.00 |
| c) Administration fee | \$ 425.00 |

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

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

33. Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- New South Wales Occupational Health and Safety Act, 2000;
 - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - Protection Of the Environment Operations Act 1997 (NSW) and
 - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

34. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises

which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

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

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

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

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

37. *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.*
38. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
39. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

The following conditions 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 (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

41. *The 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.*
42. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

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

43. *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.*
44. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

*Details of compliance are to be provided in the relevant documentation for the **construction certificate**.*

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

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

46. *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.

47. *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.*
48. *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.*
49. *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.

50. *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.

51. *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”.*
52. *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.

53. *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.*

54. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy*

Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

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

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:*

a) *all of the premises adjoining the subject site.*

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

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 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".*
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 coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
69. *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.*
70. *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".*
71. *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.*
72. *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.

73. *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.*
74. *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.*
75. *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.

76. *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.*

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

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

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

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

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

78. *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.

79. *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.

80. *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.*

81. *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.*

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

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

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

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

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

84. *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:

- *Completion of the civil works as conditioned in this development consent by*

Council; and

- *A satisfactory final inspection by Council that no un-repaired damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge during the construction works on the site.*

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.

85. *A report must be submitted to and approved by the Certifying Authority, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not be limited to:*

- *The proposed method of shoring/piling and dewatering.*
- *The zone of influence of any possible settlement.*
- *The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- *Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.*
- *The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- *Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)*
- *Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.*
- *The location of all pumping equipment in relation to the property boundaries.*
- *The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.*
- *Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with ‘best practice’ principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.*

Any practices or recommendations made by the consulting Engineer/s must be implemented accordingly.

The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

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

86. *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.*
 - b) *Remove the redundant concrete vehicular crossings and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
 - d) *Carry out a full depth road construction in front of the kerb and gutter along the full site frontage.*
 - e) *Construct a new 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

Important note: Following removal of the old crossings, footpath and kerb and gutter, the applicant shall contact Council's Landscape Technician (9399 0613) to inspect the location of existing tree roots and organise (if appropriate) for root grinding and/or cutting of roots prior to constructing the new infrastructure. All costs associated with root grinding and/or root cutting shall be met by the applicant.

87. *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.*
88. *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.*

89. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
90. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
91. *A Works Zone is to be provided in Duke 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.

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, must be as follows:*
- *At RL 26.18 (AHD) on the eastern edge of the proposed driveway;*
 - *At RL 26.20 (AHD) on the western edge of the proposed driveway;*
 - *Match the back of the existing footpath at the western site boundary; and*
 - *Grade linearly:*
 - i) *Across the driveway; and*
 - ii) *Between the western edge of the proposed driveway and the western site boundary.*
93. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*
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 \$754.40 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.*
95. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

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

96. *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.*
97. *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.*
98. *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.*
99. *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.*
100. *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.

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

101. *The floor level of all habitable and storage areas (excluding areas in the basement carpark) shall be at a minimum RL of 26.65 (AHD) or suitably waterproofed up to this same level. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
102. *The proposed internal driveway (and any other openings into the basement carpark from Duke Street) must be designed with a high point at least 300 mm above the adjacent top of kerb levels (i.e. to a minimum RL of 26.50 (AHD)). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
103. *All structural walls on the ground floor level shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management*

Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

104. 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 (ie. above the 1 in 20 year storm) to the proposed drainage system.*
- d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas*
 - ii. Paved areas*
 - iii. Grassed areas*
 - iv. Garden areas**
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*

105. *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.*
106. *All site stormwater must be discharged (by gravity) to either:*
- a) The kerb and gutter or drainage system at the front of the property; OR*
 - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*
107. *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.

108. *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.

109. *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.*
110. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
111. *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 car parks or in any area which may be used for storage of goods.*
 - *Mulch/bark must not be used in onsite detention areas*
112. *Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*
113. *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.*
114. *(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).*
115. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
116. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
117. *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. (TO BE INCLUDED IF CONNECTING TO COUNCIL'S UNDERGROUND DRAINAGE SYSTEM)*
118. *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.

119. *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.

120. *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/infiltration 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.*

121. *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.*
122. *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).*
123. *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 following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*
124. *As the above site may encounter groundwater within the depth of the basement excavation, the basement carpark shall be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage (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).*
125. *A dilapidation survey of the surrounding properties and infrastructure shall be undertaken by a suitably qualified person prior to the commencement of work.*

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

126. *The waste storage areas shall be sized to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins.*
127. *The waste storage areas shall be clearly signposted.*
128. *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.*
129. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

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

130. *The landscaped areas shown on the sheet number LSK 01, job number 03.754, prepared by GreenPlan Landscape Architects Pty Ltd, dated 22.06.04 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority prior to the issue of a construction certificate. If Council is not the certifying authority for the site, the applicant will still be required to forward a copy of the approved plans to Council for record purposes. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

Notes:

- ***The landscape plan shall show the provision of continuous decorative hedge around the perimeter of the site using a species that will attain a minimum height of 3 metres at maturity.***
- ***The landscape plans shall show deletion of the proposed nature strip***

planting beneath the Fig tree along the Duke Street frontage. This area shall be turfed along the length of the full site frontage.

- 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 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.*

- 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.*

Note:

- *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.*

- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*

- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

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.*

- g. *Location of easements within the site and upon adjacent sites (if any).*

131. *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.*

132. *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.

133. *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.

134. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
135. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
136. *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.

137. *Approval is granted for the removal of the following trees subject to the planting of 6 x 100 litre broad canopied replacement trees (not palms) suitably located within the deep soil zones around the perimeter of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- a) *One Jacaranda mimosifolia (Jacaranda) in the rear yard of 12 Duke Street*
- b) *One Lagerstroemia indica (Crepe Myrtle) in the rear yard of 12 Duke Street*

138. *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.*

139. *Should pruning of any branches on the Fig tree's located in Council's road reserve in front of 12 Duke Street or 8 Duke Street be necessary in order to accommodate site access/machinery, the applicant will be required to contact Council's Landscape Technician (9399-0613) at least 2 full working days prior to needing the work conducted, so that the necessary arrangements can be made for such work. The applicant shall meet all cost associated with pruning the trees.*

140. *In order to ensure the retention of the Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) in Council's road reserve in front of 12 Duke Street in good health, the following measures are to be undertaken:*

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

trunk.

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

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

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of Council's Officer.

- d. *Any excavations required for footings, structures, retaining walls, services, pipes, paving etc within 4 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of Council's Officer.*

Notes:

- *Any detention tanks/infiltration areas proposed along the front property boundary shall be setback at least 6 metres from the outside edge of the tree trunk.*
 - *All sections of the proposed new front fence located within 6 metres of the outside edge of the tree trunk, shall be constructed using pier a beam footings to minimise damage to the tree roots.*
- e. *The erection of signage on the protective fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- f. *A refundable deposit in the form of cash or cheque of \$6,340.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
1	<i>Ficus microcarpa var. 'Hilli'</i> <i>(Hills Weeping Fig)</i>	\$6,340.00
	TOTAL	\$6,340.00

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

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

141. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$13,000.00 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.*
142. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

ADVISORY MATTERS:

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

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

- a) *Part B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Part C2 - Compartmentation and separation*
- d) *Part C3 - Protection of openings*
- e) *Part E1 - Fire fighting equipment*
- f) *Part E2 - Smoke Hazard Management*
- g) *Part E4 - Emergency lighting, exit signs & warning systems*
- h) *Part F1 - Damp and weatherproofing*
- i) *Part F2 - Sanitary and other facilities*
- j) *Part F4 - Light and ventilation*
- k) *Part F5 - Sound Transmission and Insulation*

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

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

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

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

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

9.6 ACTING DIRECTOR, CITY PLANNING REPORT 49/2005 – 96-98 ST PAULS STREET, RANDWICK. (D/1082/2004)

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

- A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 38 (4) of construction of a multi-unit housing development comprising 20 dwellings and car parking for 32 vehicles, to provide accommodation in accordance with State Environmental Planning Policy (Seniors Living) 2004. relating to height in zones where residential flat buildings are not permitted 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, 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 1082/2004 for construction of a multi-unit housing development comprising 20 dwellings and car parking for 32 vehicles, to provide accommodation in accordance with State Environmental Planning Policy (Seniors Living) 2004. at 96-98 St Pauls Street, Randwick, subject to the following conditions:-*

DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following amendments/material have been submitted to and approved by the Director of City Planning:

1. *The plans shall be amended to show, without raising the top roof levels of the building and while still complying with the access requirements of State Environmental Planning Policy (Seniors Living) 2004, the following finished floor level (FFL) to finished ceiling level (FCL) heights for all habitable rooms as follows:-*

- i) *Units 7 and 8 on Level 3, Units 15 and 16 on Level 4 and Units 19 and 20 on Level 5 all to have raked ceilings with a 2.4m minimum and a 3.6m maximum, whilst providing necessary insulation for thermal comfort in compliance with the Building Code of Australia.*
 - ii) *All other units within the development shall have a 2.7m minimum floor to ceiling height.*
2. *The plans shall be amended to minimise overlooking to adjacent properties in the following manner:-*
 - i) *The balconies to Units 4, 10, 12, 16, and 20 and the living room balcony of Unit 18 shall be screened on their western elevation to minimise overlooking to the private open space and windows of 94 St Pauls Street.*
 - ii) *The balconies to Units 3, 7, 9, 11, 15, 19 and the living room window of Unit 17 shall be screened on their eastern elevation to minimise overlooking to the private open space of 14C and 14E Dudley Street.*
 3. *The submission of a revised Schedule of Materials, Finishes and Colours keyed to the elevations of the building including the detailing of a contrasting painted and rendered finish on the upper levels of the building in lieu of the metal cladding as detailed.*
 4. *The plans shall be amended to show the east and west facing balcony balustrades as obscure, low-reflection glass.*

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

DEVELOPMENT CONSENT CONDITIONS

- C. *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 DA 1082/2004 for Construction of a multi-unit housing development comprising 20 dwellings and car parking for 32 vehicles, to provide accommodation in accordance with State Environmental Planning Policy (Seniors Living) 2004. at 96-98 St Pauls Street, Randwick, subject to the following conditions:-*

REFERENCED PLANS

1. *The development must be implemented substantially in accordance with the plans numbered 020, 030-036, 040-044, 050-055, all Issue B, dated 1 23/03/05, prepared by Buzacottwebber and received by Council on 24/03/05, the application form and on any supporting information received with the application, **except as may be amended by the details approved with the deferred commencement conditions and by the following conditions** and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENTITY

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. *Strata subdivision of the development shall be the subject of a separate development application.*
3. *The proposed development shall not substantially interfere with the proper use of the rights of way benefiting No. 94 St Pauls Street.*
4. *Detailed drawings and specifications shall be provided for approval with the construction certificate application demonstrating compliance with each of the standards concerning access and useability for self-contained dwellings under Division 4 (Clauses 52 to72) of State Environmental Planning Policy (Seniors Living) 2004. Certification of compliance of the plans and specifications with the requirements of Division 4 (Clauses 52 to72) of State Environmental Planning Policy (Seniors Living) 2004 by an Access Advisor shall be provided to the certifying authority **prior to the issue of the construction certificate.***
5. *The entry windows of Units 13 and 17 shall be opaque glass and the laundry windows of Units 14 and 18 shall be opaque glass hopper style windows for privacy and natural ventilation. Details shall be shown on construction certificate plans **prior to the issue of the construction certificate.***
6. *The bathrooms of Units 19 and 20 should be opaque glass hopper style windows for privacy and natural ventilation.*
7. *The ensuite window of Unit 20 on the western elevation and the ensuite window of Unit 19 on the eastern elevation shall be opaque glass to minimise overlooking to the private open space of 94 St Pauls Street and 14E Dudley Street respectively and shall be specified as such on the construction certificate plans **prior to the release of the construction certificate.***
8. *Prior to the release of any strata subdivision certificate and prior to the occupation of the development, a “restriction on the use of the land” and “positive covenant” (under Section 88E of the Conveyancing Act 1919) shall be registered on the title of the subject property (in conjunction with the registration of the plan of subdivision for this property), to ensure that the dwellings contained within the development can only be occupied in accordance with the provisions of State Environmental Planning Policy (Seniors Living) 2004, that is the dwellings can only be occupied by seniors (people aged 55 years or more) or people who have a disability or people who live within the same household as seniors or people who have a disability. The restriction and positive covenant shall not be released, varied or modified without the consent of Council.*

The “restriction on the use of the land” and “positive covenant” shall be prepared and specified to the satisfaction of Council.
9. *In accordance with the provisions of State Environmental Planning Policy (Seniors Living) 2004 only seniors (people aged 55 years or more) or people who have a disability or people who live within the same household with seniors or people who have a disability may occupy dwellings in the development.*

10. *Visitor entry to all units, basement carpark and common areas shall be controlled by intercom remote controlled locking systems. Details shall be provided with the construction certificate application.*
11. *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.*
12. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
13. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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.

14. *The enclosure of balconies is prohibited by this consent.*
15. *Power supply and telecommunications cabling to the development shall be underground.*
16. *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.*
17. *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.*
18. *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.
19. *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.*
20. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*
21. *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 Planning has been obtained beforehand.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY

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

22. *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.

23. *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.*

24. *Appliances provided within the development must satisfy as a minimum the following energy ratings:*

- *Clothes dryers minimum 2.5 star*
- *Dishwashers minimum 3 star*
- *Clothes washers minimum 4.5 star*
- *Fridge minimum 4 star*

25. *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 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 and is to be located at or below 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 condition/s are applied to satisfy the increased demand for public amenities and public services:

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

- | | |
|--|--------------------|
| <i>a) for the provision or improvement of open space</i> | <i>\$42,858.28</i> |
| <i>b) for the provision or improvement of community facilities</i> | <i>\$18,950.32</i> |
| <i>c) Administration fee</i> | <i>\$ 425.00</i> |

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

CONSERVATION/HERITAGE

The following conditions are applied to maintain the heritage significance and amenity of the premises and locality:

27. *An archival recording of the original building on the site shall be prepared, including the early history of the site and submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library. This information shall be used in the preparation of an interpretation strategy for the development and the interpretation strategy shall be implemented in conjunction with the development.*

OCCUPATIONAL HEALTH & SAFETY AND DANGEROUS GOODS

The following conditions are applied to ensure adequate environmental protection and occupational health and safety:

28. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
29. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority, including the following provisions:*

Occupational Health and Safety Act 2000

Occupational Health and Safety (Hazardous Substances) Regulation 2001

Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and

The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines

30. *Prior to demolition of any building constructed before 1970, the person acting on this consent shall prepare a Work Plan prepared in accordance with Australian Standards AS260-2001, Demolition of Structures by a suitably qualified person. The Work Plan shall outline the identification of any hazardous materials, including materials containing asbestos and surfaces coated with lead paint and the plan should detail the method of demolition, the precautions to be employed to ensure public safety and to minimise any dust nuisance and methods of disposal of any hazardous materials. A copy of the work plan is to be forwarded to the Council prior to commencing such works.*
31. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial*

vacuum fitted with a high efficiency particulate air (HEPA) filter or equally effective methods. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.

32. *The removal, cleaning and disposal of any lead-based paints must be carried out in accordance with the relevant provisions of AS2601-2001, Demolition of Structures, The Protection of the Environment Operations Act 1997 and the requirements and guidelines of the Environmental Protection Authority.*

NOISE EMISSION 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:

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

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

34. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*

ENVIRONMENTAL POLLUTION & CONTROL:

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

35. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
36. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council prior to the commencement of works.*
37. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

Details of compliance are to be provided in the relevant documentation for the construction certificate.

PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS

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

38. *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.

39. *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.*

40. *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.*

41. *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.

42. *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.

43. *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".*
44. *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.

45. *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.*
46. *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.*

47. *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.

48. *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.*
49. *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.

STRUCTURAL ADEQUACY:

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

50. *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.*
51. *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.

52. *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**.*

53. *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:*

- a) *all of the premises adjoining the subject site*
- b) *2A, 2B, 3 and 4 Howard Place.*

*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.***

54. *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.*
55. *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.*

CONSTRUCTION SITE MANAGEMENT

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

56. *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.*
57. *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.*
58. *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.*
59. *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.

60. *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.*
61. *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.*
62. *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.*

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

67. *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.*
68. *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.*

69. *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.

70. *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.*

71. *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.

72. *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.

73. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
74. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*
75. *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.

Hoardings and temporary 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.

ACCESS & FACILITIES FOR DISABLED

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

76. *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 Clauses 52 – 72 of State Environmental Planning Policy (Seniors Living) 2004 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:

77. *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) \$10,000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash or unconditional bank guarantee 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 (including the new pedestrian refuge/median island) 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:

78. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- Construct a concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in St Pauls Street.*
 - Remove the redundant concrete vehicular crossings and laybacks in both St Pauls Street and Howard Street and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - Reconstruct any damaged sections of kerb and gutter for the full site frontages except opposite the vehicular entrance and exit points.*
 - Construct a new concrete footpath along the full site frontage in St Pauls Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - Construct concrete pram ramps along the southern side of Dudley Street at the intersections of Hardiman Avenue and Nancye Street.*

Note: The pram ramps shall be constructed in general accordance with Council's standard drawing SD5.

- Extend Council's stormwater pipeline in Dudley Street up to the eastern side boundary of the site and construct a new kerb inlet pit in St Pauls Street.*

Notes:

- All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
- This condition may be waived if there is no stormwater runoff being discharged from the site (refer to drainage conditions)*

79. *The applicant shall meet all costs associated with design and construction of a new pedestrian refuge island in St Pauls Street opposite the proposed development.*

The design of the refuge/median island shall be undertaken by a suitably qualified traffic engineer and shall be to the satisfaction of the Randwick Traffic Committee. The applicant is advised to submit a design for the median island immediately after

receiving construction certificate approval for the development, as the approval process (including referral to the Randwick Traffic Committee) may be a lengthy process.

Notes:

- i) The pedestrian refuge shall be 900 mm wide and be constructed at a location west of the driveway entrance to the proposed site. The pedestrian refuge should be designed in such a way so as to taper down to a width of 600 mm to form a section of a median island that will be constructed outside the subject site, and will extend from a point 10.0 metres east of the eastern extremity of the driveway to a point ten metres west of the western extremity of the driveway.*
- ii) The detailed design shall include all associated linemarking and signposting requirements.*
- iii) The design of the median island shall not impede existing vehicular access to No. 14C Dudley Street.*

The construction of the new pedestrian refuge island shall be undertaken by Council or a Council approved contractor prior to an occupation certificate being issued for the site.

- 80. 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.*
- 81. 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.*
- 82. 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.*
- 83. The driveway opening at the St Pauls Street frontage must be 6.00 metres wide and located at least 1.5 metres clear of the side property boundary.*
- 84. The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
- 85. A work zone is to be provided in St Pauls Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

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

Alignment Level Conditions

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

86. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the driveway and adjoining pedestrian entrance, shall be as follows:*

- *St Pauls Street frontage:*
 - *Western side of combined driveway/pedestrian access: RL 59.15*
 - *Eastern side of combined driveway/pedestrian access: RL 59.55*
 - *Grade linearly between the two points detailed above*

- ***Howard Street frontage:***
 - Match the back of the existing footpath, along the full site frontage.*

(As per the submitted Survey Plan by Clement & Reid P/L, dated 10 March 2003)

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.

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

88. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1255 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:

89. *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.*

90. *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.*
91. *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. In particular, the applicant shall liaise with Sydney Water regarding their requirements for construction over the existing stormwater and sewer lines at the front of the site.*
92. *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.*
93. *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 and the Council **prior to issuing an occupation certificate or subdivision certificate, whichever the sooner.***

DRAINAGE CONDITIONS

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

94. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and*

drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.

- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas*
 - ii. Paved areas*
 - iii. Grassed areas*
 - iv. Garden areas**
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
- 95. 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.*
- 96. All site stormwater must be discharged (by gravity) to either:*
- a) The underground drainage system in Dudley Street, via a new kerb inlet pit and extension of the existing stormwater pipeline in Dudley Street to the eastern side boundary of the site; 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.*
97. *Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.*
98. *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).*
99. *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.*
100. *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.

101. *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.

102. *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.*

103. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
104. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*
- c) *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)*
 - d) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
 - e) *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

Notes:

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

105. *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.*
106. *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 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).

107. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
108. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
109. *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.*
110. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

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

- 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.

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

Notes:

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

113. *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.*
114. *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).*
115. *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.*
116. *As the above site may encounter seepage water within the depth of the basement excavation the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

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

WASTE MANAGEMENT CONDITIONS

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

118. *The garbage room areas shall be sized to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins.*
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. *The waste storage areas are to be suitably signposted.*
121. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for the 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:

122. *The landscaping shall be installed substantially in accordance with the landscape plan prepared by Narelle Sonter, of Botannica Landscape and Horticultural Specialists, job number 020301, drawing number LCP.01/B, sheet 1 of 1, amendment B, dated 21.03.05. The landscaping details submitted for the construction certificate shall be based on the above mentioned plan, with the following additional details:*
- a. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings, accent planting, pot sizes at time of planting, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

Note: Only low growing species, or trees which can be underpruned to achieve a clearance of 1.8 metres, shall be used along the proposed pedestrian access path along the southern boundary.

- b. *Additional notation showing soil and mulch details, edging, paving, fencing details, surface finishes, retaining wall details as well as lighting for the length of the proposed pedestrian walkway along the southern boundary, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- c. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- d. *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. The planter box detail shall be amended to comply with this requirement, and shall be submitted with the detailed landscape plans.

- e. *Relocation of the two Banksia integrifolia (Coastal Banksia) referred to as BI on the Landscape Concept Plan and shown as adjacent to the eastern boundary with 14C Dudley Street shall be relocated elsewhere within the deep soil zone in this area of the site in order to minimise any encroachment of their canopy over the eastern boundary with 14C Dudley Street.*
123. *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.*
124. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all planted areas. Such a system shall provide full coverage to all planted areas with no overspray onto driveways and pathways.*
- The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
125. *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.*
126. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
127. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stencilled concrete (or similar) shall be used throughout the driveway areas on the site.*
128. *Any substation required shall be suitably screened from view. The proposed location, elevation and screening method shall be shown on all detailed landscape drawings and specifications.*

129. *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

130. *The applicant shall submit a total payment of \$808.50 to Council,*

- a. *Being the cost for Council to supply and install 3 x 45 litre street trees along the St Pauls site frontage, comprising one on the eastern side of the proposed driveway, and two on the western side of the proposed driveway at the completion of all works (\$735.00) + GST.*

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

131. *Approval is granted for the removal of the following trees subject to the planting of 5 x 75 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*

- *One Brachychiton acerifolius (Flame Tree) near the northwest corner of the site*
- *Two Syagrus romanzoffianum (Cocos Palms) in the front yard*
- *Six Cyathea cooperi (Tree Ferns) on the southern side of the existing pool*

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

133. *A refundable deposit in the form of cash cheque or bank guarantee (with no expiry date) for the amount of \$10,000.00 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.*

The contribution shall be paid into Landscaping Bond Code R41 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

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

the Principal Certifying Authority.

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

ADVISORY MATTERS

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

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

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Part C2 - Compartmentation and separation*
- g) Part D1 - Provisions for escape*
- h) Clause D1.2 - Number of exits required*
- j) Clause D1.4 - Exit travel distances*
- p) Part E1 - Fire fighting equipment*
- q) Part E2 - Smoke Hazard Management*
- r) Part E3 - Lift Installations*
- s) Part E4 - Emergency lighting, exit signs & warning systems*
- t) Part F1 - Damp and weatherproofing*
- u) Part F2 - Sanitary and other facilities (for employees)*
- w) Part F4 - Light and ventilation,(carpark, bathrooms, etc)*
- x) Part F5 - Sound Transmission and Insulation*

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

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

- A2 The applicant/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.*

- A3 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.*

- A4 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: (Woodsmith/Hughes) that Council, as the responsible authority, refuse its development consent under Section 80 of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No DA 1082/2004 for construction of a multi-unit housing development comprising 20 dwellings and car parking for 32 vehicles, to provide accommodation in accordance with State Environmental Planning Policy (Seniors Living) 2004. at 96-98 St Pauls Street, Randwick, for the following reasons:-

1. The proposal fails to comply with the provisions of Clause 38 (4) of State Environmental Planning Policy (Seniors Living) 2004 in that it exceeds the maximum overall height of 8m and exceeds the maximum number of storeys in relation to the side and rear boundaries;
 2. The proposal has a floor space ratio in excess of 0.5:1 and has an unacceptable bulk, scale and density with respect to surrounding properties in the 2A Residential Zone;
 3. The proposed height, bulk and scale is out of character with the surrounding streetscape;
 4. The proposal will overlook adjoining properties and will have an unacceptable impact on their privacy;
 5. The proposed bulk, scale and height of the proposal will result in unreasonable view loss to surrounding properties;
 6. The proposed bulk, scale and height of the proposal will cause unacceptable shadow impacts to adjoining properties;
 7. The proposal is an overdevelopment of the site; and
 8. The proposal does not achieve design principles of State Environmental Planning Policy (Seniors Living) 2004 in that the proposal fails to contribute to the quality and identity of the area and fails to achieve an appropriate contextual neighbourhood fit.
- LOST.**

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

10. PETITIONS.

10.1 PETITION SUBMITTED BY COUNCILLOR BELLELI ON BEHALF OF RESIDENTS OBJECTING TO THE PRINCE HENRY, LITTLE BAY DEVELOPMENT. (F2005/00172 xr F2004/07970)

336 **RESOLUTION:** (*Belleli/Bastic*) that the petition tabled be received and noted.

MOTION: (*Belleli/Bastic*) CARRIED – SEE RESOLUTION.

10.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS OF HINCKS STREET, KINGSFORD REQUESTING INSTALLATION OF A FOOTPATH. (F2005/00172 xr F2004/07364)

337 **RESOLUTION:** (*Bastic/Andrews*) that the petition tabled be received and noted.

MOTION: (*Bastic/Andrews*) CARRIED – SEE RESOLUTION.

11. MOTIONS PURSUANT TO NOTICE.

11.1 BY COUNCILLOR JOHN KENNY – NAMING AREA IN CLOVELLY AFTER THE LATE TOM CADDY. (F2004/06876 XR F2005/00171)

338 **RESOLUTION:** (*Kenny/Nash*) that for sixty to seventy years local identify Tom Caddy has taught people of all ages and disabilities to swim, such people he has taught include Terry Buck, Bob Carr, Barry Rogers (the first ironman), Des Renford and many local children. With the passing of Tom Caddy I would like to put forward that Council resolve to name one of the following areas of Clovelly after Tom Caddy in honour of his long service to the community in teaching children and adults how to swim.

Proposed areas:-

- 1) *Northern Promenade (Tom Caddy Promenade)*
- 2) *Park at Southern end of Clovelly (Tom Caddy Reserve)*
- 3) *Southern Point of Clovelly (Tom Caddy Point).*

MOTION: (*Kenny/Nash*) CARRIED – SEE RESOLUTION.

11.2 BY COUNCILLOR BELLELI – PROPOSED PLANTING & BEAUTIFICATION STRATEGY FOR COUNCIL. (F2005/00171 xr F2004/06877)

339 **RESOLUTION:** (*Belleli/Andrews*) that a report be prepared for the Works Committee on a Council planting and beautification strategy for Council's roundabouts, medians, traffic calming devices, playgrounds, parks and city gateways, in order to reduce weeds and to enhance the look of the City of Randwick.

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

11.3 BY COUNCILLOR BELLELI – REGARDING DESALINATION PLANT. (F2005/00171 xr F2004/06759)

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

- a) *the Mayor write to the Premier and Frank Sartor stating Council's opposition to the construction of a desalination plant on Kurnell peninsular and any such plant in the Randwick City Council area. The letter should outline Council's concern for potential negative environmental impacts the plant may have on the marine ecology of Botany*

Bay and the Pacific Ocean, and in particular the coastline and beaches of Randwick City south and central wards. Council calls on the Premier to immediately undertake a feasibility study on sewerage and storm water re-use;

- b) Council officers contact Kogarah Council to obtain information on the strategy they have formulated with respect to the issue and report back to Council; and*
- c) any documentation produced by Council be provided to the Water Reference Group Meeting on 18th August, 2005.*

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

Note: Crs Andrews & White requested that their names be recorded as opposed to the resolution.

**11.4 BY COUNCILLOR BELLELI – DUFFY’S CORNER CARPARK.
(F2004/08045 XR F2005/00171)**

- 341 **RESOLUTION:** *(Belleli/Kenny) that Council further investigates the car park arrangements on Duffy’s Corner, including the driveway access north bound on Anzac Parade and report back to Council on feasibility and costing, such report to also include the cost of constructing another entry point and where it should be.*

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

**11.5 BY COUNCILLOR NOTLEY-SMITH – DUNNINGHAM RESERVE
PLAYGROUND. (F2004/08256 XR F2005/00171)**

(Note: A Rescission Motion on this matter was submitted to the General Manager prior to the close of the Meeting.)

- 342 **RESOLUTION:** *(Notley-Smith/Woodsmith) that no works be undertaken on the proposed Dunningham Reserve playground until Council conducts further community consultation on an alternative site*

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

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

**11.6 BY COUNCILLOR NOTLEY-SMITH – MAROUBRA ROAD TREES.
(F2004/06142 XR F2005/00171)**

- 343 **RESOLUTION:** *(Seng/Notley-Smith) that consideration be given in the 2006-07 budget to planting (where feasible) the remaining length of the centre median strip and the nature strips of Maroubra Road with palm trees.*

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

**11.7 BY COUNCILLOR SENG – NAMING RESERVE ON ALISON & WANSEY
ROADS. (F2004/06876 XR F2005/00171)**

344 **RESOLUTION:** *(Seng/Notley-Smith)* that the General Manager investigate the possibility of naming the nature reserve situated on the corner of Alison and Wansey Roads, Randwick the "George Dan Reserve".

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

12. URGENT BUSINESS.

Nil.

13. CONFIDENTIAL REPORTS.

13.1 GENERAL MANAGER'S REPORT 34/2005 - IMPLEMENTATION OF COUNCILS ONLINE SOLUTION. (F2005/00422)

345 **RESOLUTION:** *(Andrews/Kenny)* that the General Manager's Report No. 34/2005 on the implementation of Council's Online Solution be received and noted.

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

14. 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.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (C) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, 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 Ordinary Meeting of the Council be adjourned at 9.46 p.m. to consider the confidential items in closed session.

RESOLVED: (Daley/Notley-Smith) that the Ordinary Meeting of the Council be resumed at 9.54 p.m.

15. REPORT ON CONFIDENTIAL ITEMS CONSIDERED IN CLOSED SESSION.

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

DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 32/2005 - LEGAL SERVICES TENDER NO. T034/05. (F2005/00392)

(Cr Woodsmith had previously declared a Pecuniary interest in this item – see Agenda Item 4 of these minutes.)

(Cr Nash had previously declared a Non-Pecuniary interest in this item – see Agenda Item 4 of these minutes.)

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

1. *The tenders submitted by Bowen and Gerathy, Watson and Watson, Eakin McCaffery Cox, Marsdens & Deacons for tender no. T034/05 for legal services be accepted and that Council enter into contracts for a period of 3 years with the option to extend for 2 further periods of 12 months at the prices stated in their tender submissions; and*
2. *All tenderers be notified of the tender result.*

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

16. NOTICE OF RESCISSION MOTIONS.

A Notice of Rescission Motion on Item 9.3, Acting Director, City Planning Report 46/2005, 47-53 Dudley Street, Coogee was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting to be held on Tuesday, 23rd August, 2005.

A Notice of Rescission Motion on Item 9.5, Acting Director, City Planning Report 48/2005, 10-14 Duke Street, Kensington was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting to be held on Tuesday, 23rd August, 2005.

A Notice of Rescission Motion on Item 11.5, Motion Pursuant to Notice by Cr Notley-Smith, Dunningham Reserve Playground was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting to be held on Tuesday, 23rd August, 2005.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 9.55 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 23RD AUGUST, 2005.

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CHAIRPERSON