

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 14<sup>TH</sup> FEBRUARY, 2006 AT 6:38PM.**

**PRESENT:**

His Worship the Mayor, Cr T. Seng (Central Ward)

Councillor B. Notley-Smith (East Ward) (Chairperson)

North Ward	-	Crs P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley (from 7.54 pm) & A. White
East Ward	-	Crs M. Matson & D. Sullivan (from 7.54 pm)
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic (from 7.54.pm)

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Development Assessment	Mr. K. Kyriacou.
Manager Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

**1. APOLOGIES.**

Nil.

**1A. LEAVE OF ABSENCE**

Leave of Absence had previously been granted to Cr Kenny, Minute No. 507 of 22 November, 2005.

**2. MINUTES.**

**CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 6<sup>TH</sup> DECEMBER, 2006.**

H1 **RESOLUTION:** *(Belleli/Nash) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 6<sup>th</sup> December, 2005 (copies of which were circulated*

*to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

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

Nil.

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

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

**5.1 DIRECTOR, CITY PLANNING REPORT 1/2006 - 5 LITTLE STREET, MAROUBRA.**

The Objector            Mr Nick Simitzis                            440 Malabar Road, Malabar.

**5.2 DEVELOPMENT APPLICATION REPORT - 48 ARCADIA STREET, COOGEE.**

The Applicant            Mr Simon Patterson                            48 Arcadia Street, Coogee.

**5.4 DEVELOPMENT APPLICATION REPORT – 32 BYNG STREET, MAROUBRA.**

The Applicant            Mr George Mandadakis                            P O Box 254, Matraville.

**5.6 DEVELOPMENT APPLICATION REPORT - 147 AVOCA STREET, RANDWICK.**

The Objector            Mr John Delich                            212 Victoria Street, Randwick.

The Applicant            Mr Chris Outtersides                            Level 1, 364 Kent Street, Sydney.

**5.7 DEVELOPMENT APPLICATION REPORT - 135-143R BEACH STREET, COOGEE.**

The Objector            Mr Mark England                            4/138 Beach Street, Coogee.

**5.8 DEVELOPMENT APPLICATION REPORT – 96-98 ST PAULS STREET, RANDWICK.**

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

The Applicant            Mr Steven Buzzacott                            5 Jasmine Street, Surry Hills.

The meeting was adjourned at 7.17 p.m. and was resumed at 7.54 p.m.

## **5. DEVELOPMENT APPLICATIONS.**

### **5.1 DIRECTOR, CITY PLANNING REPORT 1/2006 - 5 LITTLE STREET, MAROUBRA. (DA/7/2005)**

H2 **RESOLUTION: (Bastic/Procopiadis)** that Council as the responsible authority confirm the previous determination to refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 7/2005 for construction of a new three storey multi unit housing development comprising of five residential units (5 x 2 bedrooms) with basement parking for six vehicles at 5 Little Street, Maroubra for the following reasons:-

1. *The proposed FSR is considered to be excessive and results in a building which is incompatible with the bulk and scale of neighbouring development and will adversely affect adjoining development in terms of overshadowing and privacy;*
2. *The height of the proposed building is excessive in relation to the established streetscape and scale of surrounding development. The height of the development results in unreasonable overshadowing impact;*
3. *The excessive height and FSR of the proposal result in an overdevelopment of the site;*
4. *The onsite parking is deficient in terms of on site car parking provision and layout and the development will impact on the parking capacity of the surrounding streets; and*
5. *The proposal is inconsistent with the objectives of the Residential 2A zone pursuant to Randwick Local Environmental Plan 1998 and as such will adversely affect the character and amenity of the immediate locality.*

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

### **5.2 DEVELOPMENT APPLICATION REPORT - 48 ARCADIA STREET, COOGEE. (D0969/2003)**

H3 **RESOLUTION: (Andrews/Belleli)** that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.0969/03 on property 48 Arcadia Street, Coogee, in the following manner:

*(Condition No.4 is to be retained)*

*Condition No.26 is added to read as follows:*

*The floor to ceiling height of the lower level of the shed is to be 2.2 metres.*

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

### **5.3 DEVELOPMENT APPLICATION REPORT - LONG BAY GAOL, 1250 ANZAC PARADE, MALABAR. (DA/0643/2005)**

H4 **RESOLUTION: (Matson/Hughes)** 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 643/2005 for the Construction of a new two (2) storey building within the Long Bay Correctional Complex, Malabar, to function as a visitor pre-processing centre with processing area & counter, waiting area, staff areas, interview room, toilets, plant room, office space and gate control post at Long Bay Gaol, 1250 Anzac Parade, Malabar, subject to the following conditions:*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered DA01 to DA04, dated July 2005 and received by Council on 10 August 2005, the application form and on any supporting information (statement of environmental effects and heritage impact statement) received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to works commencing on the site.*

***The following conditions are applied to ensure compatibility of the proposed work with the existing heritage qualities of the item and to ensure consistency with the Environmental Planning and Assessment Act, 1979, by the Heritage Council of NSW:***

3. *The development of the site is to be in accordance with the Statement of Environmental Effects prepared by BBC Consulting Planners, August 2005, Assessment of Heritage Impact prepared by Graham Brooks & Assoc Pty Ltd, July 2005, and Drawings DA 01, DA 02, DA 03 and DA 04 prepared by NSW Department of Commerce, July 2005, as amended by the following conditions:*
4. *If any Aboriginal objects are uncovered, excavation or disturbance of the area is to cease and the Department of Environment and Conservation is to be informed in accordance with section 91 of the National Parks and Wildlife Act.*
5. *If any archaeological relics are uncovered during excavation, work must cease on that part of the site and the Heritage Council is to be notified in accordance with section 146 of the Heritage Act. The Heritage Office may require the relics to be recorded by a suitably qualified archaeologist prior to the recommencement of works.*

6. *This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of this approval or within the period of consent specified in the relevant development consent granted under the Environmental Planning and Assessment Act, 1979, whichever occurs first.*

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

7. *The applicant is to engage a NSW Department of Environment and Conservation (DEC) (formerly EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, **prior to commencement of works on the site**, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.*

*Any additional conditions that are specified in the Site Audit Statement and Summary Site Audit Report by the EPA accredited site auditor, form part of this consent and Council must be consulted with prior to the development and imposition of any conditions.*

8. *The Site Audit Statement must, where no guideline made or approved under the NSW Contaminated Land Management Act is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.*

*In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and in accordance with relevant guidelines.*

*The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.*

9. *Remediation and validation works shall be carried out in accordance with (name of remediation plan) prepared by Coffey Gecsciences Pty Ltd, ref: E1272316, dated 29 November, 2005. Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works.*

10. *Site remediation must be carried out in accordance with the following general requirements:*

- a) *Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA) and the NSW*

*Department of Infrastructure Planning & Natural Resources (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*

- b) The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- c) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
- d) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DEC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.*
- e) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*

*On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Environmental Health & Building Services.*

- f) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
- g) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:*
  - general site management, site security, barriers, traffic management and signage*
  - hazard identification and control*
  - worker health & safety, work zones and decontamination procedures*
  - cross contamination*
  - site drainage and dewatering*
  - air and water quality monitoring*
  - disposal of hazardous wastes*
  - contingency plans and incident reporting*

- *details of provisions for monitoring implementation of remediation works and persons/consultants responsible*
- h) *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*
  - i) *Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
  - j) *Remediation work shall be conducted within the following hours:  
Monday – Friday 7am – 5pm  
Saturday 8am – 5pm  
No work permitted on Sundays or Public Holidays*
  - k) *A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.*
  - l) *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.*
11. *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).*
  12. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
  13. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*

14. *That prior to the commencement of any works below the groundwater table an Acid Sulphate Management Plan shall be prepared and implemented. A copy of which shall be submitted 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:***

15. *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.*

***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:***

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

*In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*

17. *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.*
18. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to works commencing on the site, which demonstrates 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:***

19. *Any proposed Warm water systems and/or Cooling Towers must be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2002), AS/NZS 3666.2 (2002) and AS/NZS 3666.3 (2000).*

*Details of compliance must be provided prior to works commencing on the site.*



*Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.*

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

20. *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.***

21. *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.*
22. *The applicant must provide certification of compliance with the Building Code of Australia as required by Clause 116G of the Environmental Planning & Assessment Act, 1979.*

*The applicant must also certify that the building works are substantially in accordance with the Development Consent.*

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

23. *All 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.*
24. *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.*
25. *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 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.*

26. *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 Council 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.*

27. *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.*

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

28. *Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and relevant Council development control plans for the subject development, to the satisfaction of Council. Details of the proposed access, facilities and car parking for people with disabilities are to be provided prior to works commencing on the site.*

### **Civil Works Conditions**

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

29. *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.*

30. *The applicant shall note that any 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.*

#### **Service Authority Conditions**

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

31. *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.*

#### **Drainage Conditions**

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

32. *Stormwater runoff from the proposed visitor pre-processing centre shall be directed to OSD area 4 in general accordance with the Long Bay Corrective Complex Master Plan Development – Stormwater Management Concept Plan and subsequent Stormwater Drainage Concept Plan for the Proposed Development of the Visitor Pre-Processing Centre prepared by the NSW Department of Commerce, dated July 2005.*

*Until such time as OSD area 4 (together with all infrastructure necessary to direct stormwater into this OSD area) is complete, stormwater runoff from the subject development site shall be discharged to the existing site stormwater system via temporary stormwater detention tanks. The temporary detention system shall be designed to ensure that the maximum discharge from the site is that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 100 year storm is to be retained on the site for gradual release to Council drainage system in Anzac Parade via the existing drainage system.*

33. *Stormwater discharge from OSD area 4 shall be directed to the underground drainage system in Anzac Parade via a new or existing kerb inlet pit. All new kerb inlet pits shall be constructed in accordance with Council's standard drawing SD7a.*
34. *Any 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.*

35. *Engineering calculations and plans (with levels reduced to Australian Height Datum) in relation to site drainage and OSD area 4 shall be submitted to Council for consideration prior to the commencement of work on the site. The drawings and details shall demonstrate compliance with the approved masterplan and shall include the following information:*
- a. *A detailed drainage design for OSD area 4 supported by a catchment area plan (and associated calculations) detailing the areas that will be draining to the OSD system.*
  - b. *Details of the proposed connection/s of OSD area 4 to Council's stormwater system.*
  - c. *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc.*
- Generally all internal pipelines must be capable of discharging at least a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
- d. *Calculations and details of the proposed temporary detention tank/s including the point of discharge into the existing site stormwater system.*
  - e. *Proposed finished surface levels and grades of OSD area 4 (and the surrounding catchment area).*
  - f. *The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.*
36. *All stormwater run-off naturally draining to the subject development site must be collected and discharged through the new stormwater system/s. Such drainage shall, if necessary, be constructed prior to the commencement of building work.*
37. *All new floor areas shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) the top water level in any adjacent above ground on-site detention area.*
38. *All new floor areas shall be located a minimum of 300mm above (or provided with a suitable waterproof barrier to 300mm above) any 1 in 100 year flood levels/overland flow depths on the site.*
39. *Rainwater tanks shall not be considered as contributing to detention storage requirements unless it can be demonstrated through continuous modelling (using historical rainfall data for the area) that there will always be available storage in rainwater tanks at the beginning of critical storm events.*
- Overflow from rainwater tanks should be directed to the on-site detention area/s.***
40. *Stormwater pollution control devices shall be provided prior to stormwater being*

*discharged either from the site or into any infiltration areas. The pollution control devices shall be capable of treating all runoff up to at least the 3 month ARI storm event.*

41. *The detention area/s must be regularly cleaned and maintained to ensure they function as required by the design.*
42. *Above ground stormwater detention area/s must be suitably signposted warning people of the maximum flood level.*
43. *A corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
44. *A 'V' drain shall be constructed along the perimeter of the property, where required, to direct all stormwater to the detention areas.*
45. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
46. *Prior to occupation of the new visitor pre-processing centre, the applicant shall submit to Council 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 include the following details:*
  - a. *The location of the detention area/s with finished surface levels;*
  - b. *Finished site contours at 0.2 metre intervals;*
  - c. *Volume of storage available in the detention area/s;*
  - d. *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes; and*
  - e. *The orifice size(s).*
47. *Prior to occupation of the new visitor pre-processing centre, the applicant shall submit to the Council 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.*
48. *There shall be no erection of any buildings or structures nor the carrying out of any works on or over the land described as "on-site stormwater detention system 4 (OSD 4)" that may adversely affect the design function of the system. The on-site stormwater detention system includes all ancillary pipes, drains, walls, kerbs, pits, trenches, grates, chambers, basins and surfaces designed to temporarily detain stormwater.*

*Works in this context shall be taken to mean the excavation or replacement of soil or landscape material upon this detention system, or any variation to the size or shape of the "on-site stormwater detention system", that may affect the design function of the said area.*

49. Upon completion of OSD area 4, the Department of Corrective Services shall provide a written undertaking to implement a maintenance program for OSD 4. The undertaking shall outline the Department's agreement to:
- a. Permit stormwater to be temporarily detained by the system.
  - b. Keep the system clean and free from silt, rubbish and debris.
  - c. Maintain, renew and repair the system so that it functions in a safe and efficient manner in accordance with the original design function.
  - d. Carry out the matters referred to in paragraphs (b) and (c) at their own expense.
  - e. Not make any alterations to the detention facility or elements thereof without prior consent in writing of the Council or the relevant development consent authority.

### **Waste Management Conditions**

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

50. Prior to occupation of the new visitor pre-processing centre, the applicant shall submit to Council and have approved by Council's Compliance Officer for Waste Management, a waste management plan for the centre detailing waste management practices, recycling, reuse and waste reduction measures.

### **ADVISORY MATTERS:**

1. The applicant is advised that the 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) Clause C3.2&C3.4 - Protection of openings in external walls
- b) Part D3 - Access for people with disabilities
- c) Clause D3.5 - Car parking for people with disabilities
- d) Part E1 - Fire fighting equipment
- e) Part E2 - Smoke Hazard Management
- f) Part E4 - Emergency lighting, exit signs & warning systems
- g) Part F2 - Sanitary and other facilities
- h) Part F4 - Light and ventilation

*You are advised to ensure that the development is not inconsistent with Council's consent.*

2. The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is

*advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

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

3. *The Director, City Planning be authorised to liaise with the applicant to bring to their attention the objectives of Council's twenty (20) year strategic plan in promoting alternative public transport such as the provision of lockup bike facilities at the establishment.*

**MOTION: (Matson/Hughes) CARRIED – SEE RESOLUTION.**

**5.4 DEVELOPMENT APPLICATION REPORT - 32 BYNG STREET MAROUBRA. (DA814/05)**

H5 **RESOLUTION: (Andrews/Bastic)** *that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No. 814/05 for permission to erect a new double garage to the front of the dwelling at 32 Byng Street Maroubra subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered 05/034-1/2, dated 14/9/05 and received by Council on the 6th October 2005, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *The colours, materials and finishes of the external surfaces to the are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

- 3 *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.*

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

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

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

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

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

- 5 *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.*

- 6 *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.*
- 7 *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.*
- 8 *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.*



- 9 *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.*

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

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

- 11 *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.*

- 12 *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.*

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

14 *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.*

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

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

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

16 *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.*

- 17 *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.*

- 18 *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.*

- 19 *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.*

- 20 *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.*

- 21 *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.*

- 22 *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.*

- 23 *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*
- 24 *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.*

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

- 25 *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site;*
  - b) *Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
- 26 *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.*
- 27 *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

- 28 *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
- 29 *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
- 30 *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

- 31 *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.*
- 32 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

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

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

## **ADVISORY MATTERS:**

A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

*Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.*

A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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

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

*You are therefore advised to ensure that the development is not inconsistent with Council's consent and 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.*

A3 *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: (Andrews/Bastic) CARRIED – SEE RESOLUTION.**

### **5.5 DEVELOPMENT APPLICATION REPORT - 20 BEACH STREET, COOGEE. (DA/0091/2003)**

H6 **RESOLUTION:** *(Andrews/Belleli) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 91/2003 on property 20 Beach Street, Coogee in the following manner:*

- **Amend Condition No. 1 to read:**
  1. *The development must be implemented substantially in accordance with the plans drawn by Arttech and numbered 1C of Job Number 0262, stamped received by Council on 30 April, 2003 and drawings numbered 2B –5B of Job Number 0262, three sets of which are stamped received by Council on 27 March 2003 and one set stamped received on 11 April, 2003 and Revision A of landscape plan numbered LSK01 and LSK02 by Greenplan, dated 2/09/02 in the amendments box, the application form and on any supporting information received with the application, except as may be*

*amended by the Section 96 plans drawn by Artech Design, Issue C of the plans numbered Job Number 0262 and sheet number 1C to 5C dated 30.09.05 all stamped received by Council on 27/10/2005, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

- **Add the following conditions:**

114. *The sill height of the south facing windows to Bedroom 2 of Townhouse 3 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. Details are to be provided with the Construction Certificate application.*
115. *Soft landscaping is to be provided to the 1.5 metre wide setback at the southern edge of the driveway entry from Beach Street. This condition is imposed to soften the appearance of the development from the street and details are to be provided with the Construction Certificate application.*
116. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1,800mm\*, measured from the lowest side of the boundary at each point along the fence, 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.*
117. *Six (6) residential parking spaces and one (1) visitor space are to be provided in the basement in accordance with approved plan 2B drawn by Artech Design dated 26/03/03 and stamped received by Council on 11 April 2003.*

- **Delete Condition 51**

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

**5.6 DEVELOPMENT APPLICATION REPORT - 147 AVOCA STREET, RANDWICK. (DA/529/2005)**

H7 **RESOLUTION: (Andrews/Bastic) 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 529/2005 for the Alterations, additions and internal fitout of the existing hotel, including refurbishment of part of the ground floor of the hotel, and the conversion of the existing accommodation on the first floor to a number of entertainment rooms with an associated bar area, a new outdoor area and minor works to the second floor and stairs. at 147 Avoca Street, Randwick, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with plans numbered DWG.N0-WD05 to DWG.N0-WD07, DWG.N0-WD09 & DWG.N0-WD10, Issue D, dated 31 January 2005 and received by Council on 29 June 2005 and amended plan numbered DWG.N0-WD13, Issue A, dated 24 October 2005 and received by Council on 4 November 2005, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *Both sets of existing French doors at the southern end of the large games area at first floor level are to be retained in situ. The south facing doors are to be retained to provide access to the proposed outdoor area, while the east facing doors are to be retained but blocked to prevent access.*
3. *An archival recording of surviving early fabric which is to be removed or altered shall be prepared and submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Such archival recording should focus on south elevation at first floor level and ground floor level walls below, as well as any other early fabric, such as walls, exposed during the carrying out of the works. 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.*
4. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building.*

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

5. *In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potent extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act.*

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

6. *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 car parking in lieu of 7 car parking spaces being provided on site (7 x \$11,833)* *\$82,831.00*



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

7. *Video surveillance devices must be installed in the outdoor area with monitors placed within the Hotel to ensure the staff can effectively supervise activities on the outdoor area.*
8. *A member of staff must be stationed on or near the outdoor area whenever there are more than 10 persons on it to ensure that they do not cause disturbance to amenity of the locality.*
9. *The hours of operation of the new first floor bar and pool/snooker table areas shall be restricted to 12 midnight Monday to Sunday, to minimise the incidence of large numbers of patrons existing the premises in the early hours of the morning.*
10. *Public entertainment must not to be provided within the hotel premises.*
11. *The approval for the use of the outdoor area is limited for a period of 12 months only from the date of the issue of any occupation certificate to enable the Council to monitor and assess the impact of the activity on the public health, safety and amenity of the surrounding environment.*
12. *All seating and tables provided to the outdoor area shall comply with the provisions of the Building Code of Australia.*
13. *A maximum number of 60 patrons is permitted on the outdoor area at any one time.*
14. *The entry/exit doors to the outdoor area shall remain closed at all times other than in cases of emergency.*
15. *The entry/exit doors to the outdoor area shall be provided with acoustically treated seals, designed and installed by a suitably qualified person.*
16. *The entry/exit doors shall be fitted with self-closing devices.*
17. *The outdoor area shall not be used before 10.00 am or after 12.00 midnight Monday to Sunday.*
18. *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.*

19. *Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.*
20. *An amended plan of management shall be submitted to and approved by Council prior to issuing of any occupation certificate, which excludes reference to any entertainment on the premises and details 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.*
21. *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.*
22. *The use and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
23. *The  $L_{A10}$  noise level emitted from the licensed premises shall not exceed the background noise level  $L_{A90}$  in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.*
24. *Recommended acoustic attenuation measures and design acoustic criteria detailed in reports titled "Provision of Mechanical Plant Upgrading Coach & Horses " dated 4<sup>th</sup> October 2005 and acoustic report titled "Acoustic Assessment – proposed Refurbishment Coach & Horses" dated 26<sup>th</sup> August 2005 shall be fully complied with.*
25. *A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council:*
  - i. *prior to an occupation certificate being issued,*
  - ii. *1 months after occupation of the premises;*

*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 design noise goals detailed in acoustic report by the Acoustic Group dated 4<sup>th</sup> October 2005 and 26<sup>th</sup> August 2005 and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

26. *The compliance reports are also to include details of compliance with relevant conditions of this report and the measures implemented to ensure and monitor compliance with the noise criteria. Such measures may include the installation of a noise limiting device or other suitable measures to monitor compliance with the conditions of development consent.*
27. *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.*
28. *Licensed Security guards must be provided in accordance with liquor licensing requirements. The security guards shall be identified as such by uniform (or the like), to take all reasonable steps to prevent noisy and unruly behaviour of patrons attending or departing the premises. The security guards are to patrol the locality until half an hour after close or until the last patron leaves the vicinity of the hotel, whichever is the later. The number of security guards/personnel must be in accordance with the number specified in the Liquor Licensee.*

***The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:***

29. *The premises are to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code.*
30. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.*
31. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
  - *Food handling – skills, knowledge and controls.*
  - *Health and hygiene requirements.*
  - *Requirements for food handlers and businesses.*
  - *Cleaning, sanitising and maintenance.*
  - *Design and construction of food premises, fixtures, fitting and equipment.*
32. *A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.*
33. *Upon completion of the work and prior to the issuing of an occupation certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.*
34. *The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.*

35. *The design and construction of food premises must comply with the following requirements, as applicable:-*

- *The floors of food preparation areas including bars and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
- *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
- *Walls of the food preparation areas including bars and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
- *The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
- *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
- *The ceilings of food preparation areas including bars, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings.*
- *Any Garbage storage enclosures provided are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *Wash hand basins must be provided in convenient positions in each bar , with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*

- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and any bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
- *Any food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60 °C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5 °C and keep this food cold at or below that temperature.*

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

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

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

37. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
38. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***
39. ***Prior to the commencement of any building works, the person having the benefit of the development consent must:-***
- i) *appoint a Principal Certifying Authority for the building work, and*
  - ii) *appoint a principal contractor for the building work and notify the Principal Certifying Authority and Council accordingly in writing, and*
  - iii) *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.*

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

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

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

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

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

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

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

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

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

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

***The following conditions have been applied to protect the occupants and fire fighters in the event of a fire:-***

45. *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.*

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

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

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

*The fire safety report is specifically required to address the following provisions of the Building Code of Australia, as applicable:*

a)	EP1.1	-	hose reel systems
b)	EP1.2	-	fire extinguishers
c)	EP1.3	-	fire hydrant systems
d)	EP1.4	-	automatic fire suppression systems
e)	EP1.6	-	fire brigade intervention
f)	EP2.1 & EP2.2	-	smoke hazard management
g)	EP4.1 & EP 4.2	-	emergency lighting and exit signs
h)	BP1.1	-	structural provisions
i)	CP1	-	structural stability during a fire
j)	CP2	-	elements to avoid the spread of fire
k)	DP1 to DP6	-	access and egress
l)	DP7 to DP9	-	access for people with disabilities
m)	Part H1 of the BCA	-	theatres, stages and public halls

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

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

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

48. *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.*
49. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
50. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
51. *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.*
52. *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.*

53. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

*The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.*

*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.*

54. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*

55. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*

56. *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.*

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

60. *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.*
61. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

*A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres*

*and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

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

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

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

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

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

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

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

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

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

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

63. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-*
- *Install or erect any site fencing, hoardings or site structures*
  - *Operate a crane or hoist goods or materials over a footpath or road*
  - *Placement of a waste skip (grater than 3m in length) or any container or other article.*

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

64. *Access and facilities 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, to the satisfaction of the Certifying Authority. Details of the proposed access and facilities for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

### ***Civil Works Conditions***

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

65. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Carry out footpath re-construction works along the full street frontage on Avoca Street and Alison Road in accordance with Council's Urban Design Guidelines for Randwick.*
  - b) *Reconstruct a section of the existing footpath in Alison Road in Regupol rubber paving (or similar), opposite the keg delivery entrance to the site.*

*Note: This has been conditioned to prevent continual damage occurring to council's footpath due to the regular delivery of kegs to the premises.*

66. *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.*
67. *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.*

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

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

68. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must **match the back of the existing footpath along the full site frontage, in both Avoca Street and Alison Road.***

*Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.*

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

69. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
70. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$110.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

#### ***Service Authority Conditions***

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

71. *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.*
72. *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.*

#### **Landscape Conditions**

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

73. *The applicant shall submit a landscape design for the Avoca Street and Alison Road street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick. The landscape design shall include pavements, seat installations, bins etc as required by Council's Landscape Architect – 9399 0786.*

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

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

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

*A refundable deposit in the form of cash or cheque of \$4000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved works along the Avoca Street and Alison Road site frontages.*

**ADVISORY MATTERS:**

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

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

- |           |                |          |   |
|-----------|----------------|----------|---|
| <i>a)</i> | <i>Part B1</i> | <i>-</i> | <i>Structural provisions</i>                                |
| <i>b)</i> | <i>Part C1</i> | <i>-</i> | <i>Fire resistance and stability</i>                        |
| <i>c)</i> | <i>Part C2</i> | <i>-</i> | <i>Compartmentation and separation</i>                      |
| <i>d)</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i>                              |
| <i>e)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i>                              |
| <i>f)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs &amp; warning systems</i> |

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

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

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

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

3. *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: (Woodsmith/Matson)** that Council grant development consent as per the conditions contained in the Director City Planning's report subject to the reduction of the smoking area to one third of the size applied for with a limit of 20 people at a time, raising the enclosing walls 300mm to contain the noise and limiting the hours of operation to 10.00pm. **LOST**

A division was called for by Crs Hughes and Matson. Voting was as follows:-

<b>For</b>	<b>Against</b>
Belleli	Andrews
Hughes	Bastic
Matson	Daley
Notley-Smith	Nash
Tracey	Procopiadis
Woodsmith	His Worship the Mayor, Cr T Seng
	Sullivan
	White

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

**5.7 DEVELOPMENT APPLICATION REPORT - 135-143R BEACH STREET, COOGEE. (DA/1037/2005)**

H8 **RESOLUTION: (Andrews/Nash) that:**

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1037/2005 for the alterations and additions to the existing Coogee Surf Life Saving Club at 135-143R Beach Street, Coogee, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered A101/A, A102/A and A201/A, dated 11 October 2005 and received by Council on 13 December 2005, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *The proposed bar facility on the ground floor of the building must not be used in conjunction with any functions.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

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

4. *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).*
5. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

***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:***

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

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

7. *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.*



***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:***

8. *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.*
9. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.***

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

10. *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.*

11. *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.*
12. ***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.***
13. ***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.*

14. *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.*

15. *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".*

16. *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.*

17. *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.*

18. *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 0.35% of the cost of the works.*

***The following conditions are applied to ensure that adequate fire safety measures are installed within the building, which satisfies the relevant provisions of the Building Code of Australia:***

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

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

*The fire safety upgrading works are to be included in the Construction Certificate and be implemented prior to the issue of the Occupation Certificate. Written confirmation is to be provided to Council accordingly.*

*The fire safety report is specifically required to address the following provisions of the Building Code of Australia, as applicable:*

- a) EP1.1 - hose reel systems
- b) EP1.2 - fire extinguishers
- c) EP1.3 - fire hydrant systems
- d) EP1.4 - automatic fire suppression systems
- e) EP1.6 - fire brigade intervention
- f) EP2.1 & EP2.2 - smoke hazard management
- g) EP4.1 & EP 4.2- emergency lighting and exit signs
- h) BP1.1 - structural provisions
- i) CP1 - structural stability during a fire
- j) CP2 - elements to avoid the spread of fire
- k) DP1 to DP6 - access and egress
- l) DP7 to DP9 - access for people with disabilities

m) Part H1 of the BCA- theatres, stages and public halls

20. 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 and Assessment Regulation 2000.

**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:**

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.*

26. 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.
27. 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.
28. Stockpiles of soil, sand, aggregate or other materials must not be located on any

*footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

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

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

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

*A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. 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 fences and hoardings are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*

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

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

30. *Adequate provisions for access for people with disabilities must be provided to and within the 1st floor place of public entertainment in the building in the form of a stair or handrail lift to Council's satisfaction and details being submitted to and approved by Council's Manager of Environmental Health and Building Services prior to approval of the construction certificate.*

*Details of the proposed access and facilities for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

**Traffic Conditions/Civil Works Conditions**

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

31. *Prior to the issue of a construction certificate, the applicant shall engage a suitably qualified structural (and/or geotechnical) engineer to assess the condition of the retaining wall located adjacent to the southern boundary of the site in the vicinity of the proposed works. The applicant shall meet the full cost to undertake any works identified by the structural engineer as being necessary to ensure the stability of the*

wall.

32. *The applicant's structural (and/or geotechnical engineer) shall inspect and monitor the condition of the retaining wall throughout all excavation and construction works to ensure that the wall does not suffer any damage. The engineer shall amend construction and/or excavation techniques if required to protect the wall.*
33. *The applicant's consulting structural (and/or geotechnical) engineer shall undertake a dilapidation survey of the retaining wall (extending 15 metres either side of the proposed works) prior to commencing work and then on completion of the works. The engineer shall certify on completion that the retaining wall has not deteriorated or experienced any un-repaired damage over the excavation and construction phase of the development. A copy of the dilapidation reports and engineering certification shall be forwarded to Council prior to the issue of an occupation certificate.*
34. *The applicant shall be responsible for ensuring the stability of the retaining wall located along the southern boundary of the site at all times during the demolition and construction works.*
35. *The proposed works shall not prohibit access to the retaining wall should wall repairs be required at any stage in the future.*
36. *The proposed works adjacent to the retaining wall shall be designed and constructed to be structurally independent of the retaining wall. A structural engineer shall certify that that the design complies with this requirement prior to the issue of a construction certificate.*
37. *The applicant shall meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of retaining wall, footpath, roadway, kerb and 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.*
38. *There shall be no goods stored or construction equipment driven in any areas where the goods/equipment would place additional loads on the retaining walls.*
39. *Pedestrian access along the site frontage shall be maintained at all times.*

#### **Service Authority Conditions**

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

40. *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.*
41. *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.*

42. *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.*

**ADVISORY MATTERS:**

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

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

- a) *Part B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Part C2 - Compartmentation and separation*
- d) *Part C3 - Protection of openings*
- e) *Part D1 - Provisions for escape*
- f) *Clause D1.4 - Exit travel distances*
- g) *Part E1 - Fire fighting equipment*
- h) *Part E2 - Smoke Hazard Management*
- i) *Part E3 - Lift Installations*
- j) *Part E4 - Emergency lighting, exit signs & warning systems*

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

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

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

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

3. *Upon the satisfactory completion of the proposed building works, the Place of Public Entertainment licence is to be amended, to ensure that the building works satisfy the relevant provisions required, for the entertainment that is provided.*

**MOTION: (Matson/Woodsmith)** that Council grant development consent as per the conditions contained in the Director, City Planning's report subject to condition 2 being

amended to read “that the downstairs bar facilities are not be used at the same time as the upstairs function room”. **LOST**

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

<b>For</b>	<b>Against</b>
Belleli	Andrews
Hughes	Bastic
Matson	Daley
His Worship the Mayor, Cr T Seng	Nash
Tracey	Notley-Smith
Woodsmith	Procopiadis
	Sullivan
	White

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

**5.8 DEVELOPMENT APPLICATION REPORT – 96-98 ST PAUL STREET, RANDWICK. (D/1082/2004)**

H9 **RESOLUTION: (White/His Worship the Mayor, Cr T Seng) that:**

- A. *Council as the responsible authority grant its consent under Section 96 (2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. 1082/2004 on property at 96-98 St Pauls Street, Randwick, in the following manner:*

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

- 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 **as amended by the Section 96 plans numbered 030 Issue F, 031 Issue E, both dated 16/01/2006 and received by Council on 17/01/2006; 032 Issue D, 033 Issue E, 034 Issue F, 035 Issue D, 036 Issue D, 040 Issue F, 041 Issue F, 042 Issue E, 043 Issue E, 044 Issue F, 050 Issue D, 051 Issue D, 052 Issue D, 053 Issue D, all dated 27/10/2005 and received by Council on 28/10/2005; 054 Issue E, dated 17/11/2005 and received by Council on 20/12/2005; 055 Issue E, dated 17/11/2005 and received by Council on 18/11/2005, only so far as they relate to the modifications detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:***

**Amend Condition No. 5 to read:**

- The entry windows of Units 13, 14, 17 and 18 shall be obscure glass windows for privacy. Details demonstrating compliance with this requirement shall be shown on construction certificate plans **prior to the issue of the construction certificate.***



***Amend Condition No 26 to read:***

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

a)	<i>for the provision or improvement of open space</i>	<i>\$44,736.52</i>
b)	<i>for the provision or improvement of community facilities</i>	<i>\$19,780.88</i>
c)	<i>Administration fee</i>	<i>\$ 425.00</i>

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

***Amend Condition No.78 e) to read:***

78 e) *Construct concrete pram ramps along the southern side of St Pauls Street at the intersections of Hardiman Avenue and Nancye Street.*

***Additional conditions***

134. *Balconies of Units 4, 10, 12, 16 and 20 and the living room balcony of Unit 18 shall have fixed external louvre screens along the full length of their western elevation located adjacent to the inner face of the balustrade, with the louvres fixed in a position in order to restrict overlooking to the private open space and windows of 94 St Pauls Street. **Details shall be shown on the construction certificate plans prior to the issue of the construction certificate.***

135. *Balconies of Units 7, 9, 11, 15, 19 and the living room balcony of Unit 17 shall have fixed external louvre screens along the full length of their western elevation located adjacent to the inner face of the balustrade, with the louvres fixed in a position in order to restrict overlooking to the private open space 14C Dudley Street and 14E Dudley Street. **Details shall be shown on the construction certificate plans prior to the issue of the construction certificate.***

134. *The bedroom door of Unit 19 shall be relocated to allow separate access to the bathroom. **Details shall be shown on the construction certificate plans prior to the issue of the construction certificate.***

135. *Mechanical car stackers shall be deleted from the approval and the three spaces designated with double car stackers shall be used only as single car spaces. **Details shall be shown as such on the plans prior to the issue of the construction certificate.***

136. *The basement carpark in the development must allocate not less than one (1) car parking space to each residential unit and two (2) spaces as visitor spaces, one of which shall also be designated as a carwash space. **Details of compliance with this condition are to be shown on the relevant plans for the construction certificate prior to the issue of the construction certificate.***

137. *Access to the St Pauls Street shall be provided from the point of exit from the fire isolated passageway and details of such shall be shown on the construction certificate plans prior to the issue of the construction certificate.*

138. *The landscape plan shall be revised to be consistent with the amended Section 96 architectural plans as approved and conditions of consent prior to the issue of the construction certificate.*

**MOTION: (White/His Worship the Mayor, Cr T Seng) CARRIED – SEE RESOLUTION.**

**AMENDMENT (Matson/Woodsmith)** that Council grant development consent as per the conditions contained in the Director City Planning’s report subject to an increase in the planter area on the western side of the building at level 2. **LOST**

**6. MISCELLANEOUS.**

**6.1 DIRECTOR, CITY PLANNING REPORT 2/2006 - COMMUNITY CENTRE, BUNDOCK STREET, RANDWICK - CONTRACT OF TRANSFER. (F2004/06778)**

H10 **RESOLUTION:** *(His Worship the Mayor, Cr T Seng/Bastic) that Council authorise the General Manager to sign the Contract of Transfer on behalf of Council and Council’s Seals to agree to affix to the document should it be necessary.*

**MOTION: (His Worship the Mayor, Cr T Seng/Bastic) CARRIED – SEE RESOLUTION.**

**7. GENERAL BUSINESS.**

Nil.

**8. NOTICE OF RESCISSION MOTIONS.**

Nil.

The meeting closed at 9.07 p.m.

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CHAIRPERSON