

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 28TH NOVEMBER, 2006 AT 6:05 P.M.**

PRESENT:

The Mayor, Cr P. Tracey (Chairperson) (North Ward)

Councillor M. Matson (Deputy Chairperson) (East Ward)

North Ward	-	Cr J. Kenny
South Ward	-	Crs R. Belleli & M. Daley (from 6.32 pm)
East Ward	-	Crs B. Notley-Smith & D. Sullivan (from 6.45 pm)
West Ward	-	Crs B. Hughes & S. Nash
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng (from 6.45 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, Administrative Services	Mr. D. Kelly.
Manager, Development Assessment	Mr. K. Kyriacou.
Manager, Technical Services	Mr. M. Shaw.
Manager, Policy & Performance	Ms. K. Walshaw.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Councillor Andrews.

The Acknowledgement of Local Indigenous People was read by the Mayor, Cr. P. Tracey.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Procopiadis, White and Woodsmith.

RESOLVED: (Matson/Kenny) that the apologies from Crs Procopiadis, White and Woodsmith for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 28th November, 2006 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 24TH OCTOBER, 2006.**

334 **RESOLUTION:** (*Andrews/Kenny*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 24th October, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Councillors Hughes, Matson and Sullivan declared a non pecuniary interest in item 7.4 as they are all members of the Coogee Legion Club.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 7.3 DIRECTOR, CITY PLANNING REPORT 101/2006 – 1 - 13 FRIENDSHIP ROAD, PORT BOTANY (MOLINEUX POINT - LOT 23)

The Applicant Tim Brainbridge PO Box 3456 Rhodes

Item 7.4 DIRECTOR, CITY PLANNING REPORT 102/2006 – 200 - 210 ARDEN STREET, COOGEE

The Objector Mr Andrew Constable 200 Arden Street, Coogee

The Applicant Mr Con Harris 224 Commonwealth Street, Surry Hills

Item 8.4 GENERAL MANAGER'S REPORT 46/2006 - GRANTS, DONATIONS AND SUBSIDIES

For Mr John Geerligs 2/26 Mount Street, Coogee

Item 12.4 MOTION BY COUNCILLOR MATSON – COUNCIL ENDORSEMENT FOR CLIMATE ACTION COOGEE.

For Ms Jacquie Spenson 3/131 Carrington Road, Coogee

The meeting was adjourned at 6.36 p.m. and was resumed at 6.45 p.m.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 86/2006 – WAIVING OF FEES – EPIPHANY CELEBRATION. (F2005/00954)

335 **RESOLUTION:** (*Mayor, Cr. P. Tracey*) that:

- a) Council vote \$3,917.20 to cover the fees associated with the event and funds be allocated from the Council Contingency Fund 2006/07;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or the Mayor's representative shall be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.2 MAYORAL MINUTE 87/2006 – RANDWICK SHIELD AT MAROUBRA BEACH – REQUEST FOR WAIVING OF FEES. (F2004/08302)

336 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council vote \$1,024.71 to cover the fees associated with the holding of the Randwick Shield on Sunday, 19 November, 2006 and that the funds be allocated from the 2006/2007 Contingency Fund;*
- b) *the organiser of the Carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and*
- c) *the Mayor or his representative be given the opportunity to address the Surf Carnival on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.3 MAYORAL MINUTE 88/2006 - COOGEE SURF LIFE SAVING CLUB - COOGEE 100 YEARS OPEN SURF CARNIVAL. (F2004/08286)

337 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council vote \$1,822.46 to cover the fees associated with the holding of the Coogee 100 Years Open Surf Carnival to be held on Saturday 3 February, 2007 and that the funds be allocated from the 2006/2007 Contingency Fund;*
- b) *the organiser of the Carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and*
- c) *the Mayor or his representative be given the opportunity to address the Surf Carnival on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.4 MAYORAL MINUTE 89/2006 – THE INTERNATIONAL AWARDS FOR LIVEABLE COMMUNITIES 2006. (F2004/07729)

338 **RESOLUTION: (Mayor, Cr. P. Tracey) that Council note the significant achievement of the three awards received at the International Awards for Liveable Communities 2006.**

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.5 MAYORAL MINUTE 90/2006 – LOVE CLOVELLY COMPETITION. (F2005/00497)

339 **RESOLUTION: (Mayor, Cr. P. Tracey) that a contribution of \$400.00 from the 2006/2007 Contingency Fund be made to the Clovelly Precinct Committee to conduct an ideas competition for school aged children to beautify Clovelly.**

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.6 MAYORAL MINUTE 91/2006 - REQUEST FOR THE RE- NAMING OF PART OF CHALLIS LANE IN RANDWICK NORTH. (F2004/07140)

340 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that, in accordance with the guidelines of the Geographical Names Board,:*

- a) *Council advertise in the local paper the proposal to name the laneway (now Challis Lane) situated alongside No. 23a Earl Street down to its outlet adjacent to No. 56 Clovelly Road Power Lane and invite interested parties to make written submissions with their views of the suggested name in keeping with the history of the area;*
- b) *Council notify the Geographical Names Board and other relevant public authorities of the proposal; and*
- c) *a report be brought back to Council after the closing date of all submissions.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.7 MAYORAL MINUTE 92/2006 – GIRL GUIDES INTERNATIONAL JAMBOREE – REQUEST FOR FINANCIAL ASSISTANCE. (F2004/07396)

341 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council donate \$500.00 to assist Ms Lindsay Tagg to represent Australia at the Girl Guides International Jamboree in Sweden in July 2007 and that this be funded from the Mayoral Donations Budget.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.8 MAYORAL MINUTE 93/2006 - SPONSORSHIP OF 2006 UNSW SUSTAINABLE SCHOOLS AWARDS. (F2005/00223)

342 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council approves the sponsorship request for \$6,000.00 to support UNSW's Sustainable Schools Awards being announced on December 4, 2006.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.9 MAYORAL MINUTE 94/2006 – SPONORSHIP – COOGEE CAROLS & COOGEE SPARKLES NEW YEARS EVE. (F2006/00261)

343 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- a) *the report be received and noted;*
- b) *Council agree to accept and support the sponsorship agreements for both Coogee Carols and Coogee Sparkles; and*
- c) *Council agree to promote and display the sponsors' logos on all event promotional material.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.10 MAYORAL MINUTE 95/2006 – AUSSIE HELPERS - REQUEST FOR FINANCIAL ASSISTANCE. (F2006/0000)

344 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that a donation of \$100.00 be made to sponsor the Aussie Working Dog Program, such funds to come from the 2006/2007 Contingency Fund.*

MOTION: *(Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.*

7. DIRECTOR, CITY PLANNING REPORTS.

7.1 DIRECTOR, CITY PLANNING REPORT 99/2006 – 5-23 GUBBUTEH ROAD, LITTLE BAY. (LOT 19) (DA/573/2006 & PROP051766)

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

A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A(3) and 30A(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to minimum landscaped area and maximum wall height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*

AND

B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0573/2006 for the construction of 12 two-storey attached dwellings including car parking, landscaping and associated Torrens title subdivision into 12 lots, at 5-23 Gubbuteh Road, Little Bay, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA 02 Issue B, DA 03 Issue B, DA 04 Issue B, DA 05 Issue B, DA 06 Issue B, DA 07 Issue B, DA 08 Issue B, DA 09 Issue B, and DA 10 Issue B all dated 13 November 2006 and stamped received by Council on 14 November 2006, the draft subdivision plans in 4 sheets prepared by Denny Linker & Co. Surveyor's Reference 051018 dated/printed 11 July 2006 and stamped received by Council 17 July 2006, the Sustainability Report No S4053 002, Lot 19, Revision A, dated 14 July 2006 and received by Council on 17 July 2006, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement 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 of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 17 July 2006.*

3. *An amended plan showing the provision of suitable roof-ventilation to first floor bathrooms, and variation in the appearance of the doors of garages to those of car parking spaces in the Northern Block, shall be submitted to and approved by the Director - City Planning prior to a Construction Certificate being issued for the development.*
4. *Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site and showing a uniform/consistent form/type of fencing for all dwellings shall be submitted to and approved by Director – City Planning prior to a Construction Certificate being issued for the development.*
5. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
6. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
7. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

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

8. *The applicant shall:*
 - a. *Construct concrete vehicular crossings and laybacks at kerb opposite each of the proposed vehicular entrances to the site;*
 - b. *Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and kerb and gutter.*

All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4).

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

9. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary (for the new driveway, pedestrian entrances, access ramps etc) shall be generally 2.5% above the adjacent top of kerb level along the full site frontages.*
10. *The design alignment levels (concrete/paved/tiled level) issued by Council shall be indicated on the building plans for the construction certificate.*

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

11. *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.

12. *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.*
13. *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.*
14. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*
15. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

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

16. *Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*

- b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
17. *All stormwater run-off naturally draining to Lot 19 must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
 18. *Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater runoff from Lot 19 being discharged through the underground drainage system into the on-site stormwater detention system within Lot 20.*
 19. *Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
 20. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
 21. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

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

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

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

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

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

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

23. *Prior to the issuing of an occupation certificate, 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 be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*

- c) Finished site contours at 0.2 metre intervals;*
- d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
- e) Details of any infiltration/absorption systems; and*
- f) Details of any pumping systems installed (including wet well volumes).*

24. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and 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. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

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

25. *The individual waste storage areas shall each be sized to contain a total of 3 bins (1 x 120 litre garbage bin, 1 x 240 litre recycling bin & 1 x 240 litre green waste bin) whilst providing satisfactory access to these bins.*
26. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
27. *The waste storage areas shall be clearly signposted.*
28. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

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

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

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

32. *Detailed landscape drawings and specifications which have been prepared in accordance with the landscaping performance criteria and controls for Precinct P1, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004, shall be submitted to, and be approved by the certifying authority, prior to a construction certificate being issued. A copy of the approved plan shall be forwarded to Council if Council is not the certifier for the site.*

The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

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

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

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

- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

Note: All species proposed for the landscaped areas shall be selected from the list of suitable native species provided in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
- h. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal*

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

- i. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
 - j. Location of easements within the site and upon adjacent sites (if any).*
33. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
34. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*
35. *Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
36. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
37. *Any potential direct and indirect impacts shall be actively managed during the construction process, and other relevant threatening processes shall be managed by implementation of the Priorities Action Statement prepared by the Department of Environment and Conservation (December 2006 b), the Site Specific Bushland Management Plan prepared by Manidis Roberts and dated 25 November 2004, and adhering to the relevant design controls in the DCP – Prince Henry.*

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

38. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*
39. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

40. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*

- *Stormwater management (i.e. rainwater tanks)*
- *Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)*
- *Landscaping provisions*
- *Thermal comfort (i.e. construction materials, glazing and insulation)*
- *Energy efficiency (i.e. cooling & heating provisions and hot water systems)*

41. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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

42. *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.

43. *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.*

44. *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.*

45. *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.

- 46. *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.

- 47. *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".*

- 48. *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.

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

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

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

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

- has been informed in writing of the licensee's name and contractor number; and*
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

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

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

*Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

51. *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.

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

Housing Provisions.

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

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

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

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

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

53. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

A copy of Council’s Asbestos Policy is available on Council’s web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council’s Customer Service Centre.

54. *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.*

55. *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.

56. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- *preserve and protect the building /s on the adjoining land from damage; and*
- *if necessary, underpin and support the building and excavation in an approved manner; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

57. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

58. *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.*

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

59. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance*

with Council's approval at the following stage/s of construction:

- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
60. *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.*
61. *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.

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

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

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

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

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

63. *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.

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

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

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

65. *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.*

66. *Building materials, sand, soil, waste materials or construction equipment must not be*
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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.

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.

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

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

68. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

The following conditions to ensure the archaeological and heritage issues are addressed:

69. *Prior to any ground disturbance, further consultation should occur with the La Perouse Aboriginal Land Council (LPALC) to determine whether or not archaeological monitoring is required during the construction phase.*

70. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work resumes.*

71. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*

72. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

73. *Prior to commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW).*
74. *In the event that historical archaeological remains or deposits are exposed during the works, the excavation work shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW notified under the requirements of the Heritage Act.*

The following conditions are applied to meet the requirements of the Heritage Council of NSW:

75. *The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 17 October 2006.*

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

76. ***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>\$7342.24</i> |
| b) | <i>for the provision or improvement of community facilities</i> | <i>\$3246.56</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.

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

77. *A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. The SSAR includes an Unexpected Finds Protocol, which must be complied with.*

The owner, builder, site workers and the Principal Certifying Authority are to be made aware of this Unexpected Finds Protocol and its requirements prior to any works commencing.

78. *Details of any 'unexpected finds' including details of any investigation procedures, remedial actions taken and validation must be forwarded to Council accordingly.*

79. *Any fill importation to the site is to be monitored and classified by a suitably qualified person. 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'.

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

7.2 DIRECTOR, CITY PLANNING REPORT 100/2006 - 27 - 37 GUBBUTEH ROAD, LITTLE BAY (LOT 22). (DA/574/2006 & PROP051767)

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

A. *Council support the objection under State Environmental Planning No. 1 (SEPP No. 1) in respect to non-compliance with Clauses 30A(3) and 30A(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to minimum landscaped area and maximum wall height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*

AND

B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. D/0573/2006 for the construction of 12 two-storey attached dwellings including car parking, landscaping and associated Torrens title subdivision into 12 lots, at 5-23 Gubbuteh Road, Little Bay, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the amended plans numbered 1042-DA01 to 1042-DA06, Issue B, dated 13 November 2006 and received by Council on 14 November 2006, the draft sub-division plans in four sheets prepared by Denny Linker & Co. Surveyor's Reference 051018 dated/printed 11 July 2006 and stamped received by Council 17 July 2006, the Sustainability Report No. S4053 002, Lot 22, Revision A, dated 14 July 2006 and received by Council on 17 July 2006, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement 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 of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 17 June 2006.*

3. *An amended plan showing the provision of suitable roof-ventilation to first floor bathrooms, and variation in the appearance of the doors of garages/car spaces fronting Millard Drive and Millard Lane, shall be submitted to and approved by Council's Director - City Planning prior to a Construction Certificate being issued for the development.*

4. *Details of all fencing on site including all entrances and associated structures*

indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site and showing a uniform/consistent form/type of fencing for all dwellings shall be submitted to and approved by Council's Director - City Planning prior to a Construction Certificate being issued for the development.

5. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
6. *The fence on the street alignment is to be a maximum height of 1200mm, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.*
7. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm, measured above the existing ground levels.*
8. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
9. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
10. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

11. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
12. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
13. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

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

14. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space* \$3,713.80
 - b) *for the provision or improvement of community facilities* \$1,642.20
 - c) *Administration fee* \$425.00

The contribution must be paid in cash or by bank cheque prior to a construction certificate being issued for the proposed development, together with payment of the

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

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

15. *The applicant shall create suitable rights of carriageway, easements for services, easements for access and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
16. *All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
17. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

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

Geological Heritage

18. *Any work program for excavation within the Palaeovalley Area should include a detailed Work Method Statement that ensures that:*
 - *There is a clearly defined level of responsibility for both contractors and their named supervisors that ensures that excavation in the Palaeovalley Area does not go below RL 26 unless specifically approved;*
 - *Excavation does not adversely impact on the heritage values of the Palaeovalley Area; and*
 - *Uncovered significant geological information or specimens are appropriately investigated, recorded and saved.*
19. *Access to the site should be made available to qualified researchers during excavation within the Palaeovalley Area. (This should include Dr JW Pickett, Department of Mineral resources, and Dr H Martin, UNSW, as well as others who may be nominated by the NSW Geological Heritage Committee of the Geological Society of Australia).*
20. *Significant test drilling within the Palaeovalley Area should be recorded on a list. This list, together with corresponding drill logs, should be provided to Londonderry Core Library of the Department of Mineral resources along with any cuttings or core requested by the Core Library.*

Aboriginal Archaeology

21. *Prior to any ground disturbance, further consultation should occur with the La Perouse Aboriginal Land Council (LPALC) to determine whether or not archaeological monitoring is required during the construction phase.*
22. *Should Aboriginal objects be found, the Department of Environment and*

Conservation (DEC) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work resumes.

23. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
24. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

Historical Archaeology

25. *Prior to commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW).*
26. *In the event that historical archaeological remains or deposits are exposed during the works, the excavation work shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW notified under the requirements of the Heritage Act.*

The following conditions are applied to meet the requirements of the Heritage Council of NSW:

27. *The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 27 September 2006.*

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

28. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*
29. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and

any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

30. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*

- *Stormwater management (i.e. rainwater tanks)*
- *Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)*
- *Landscaping provisions*
- *Thermal comfort (i.e. construction materials, glazing and insulation)*
- *Energy efficiency (i.e. cooling & heating provisions and hot water systems)*

31. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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

32. *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.

33. *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.*

34. ***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.

35. ***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.

36. *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.

37. *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".*
38. *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.

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

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

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

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

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

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

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

*Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

41. *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.

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

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

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

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

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

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

43. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

A copy of Council’s Asbestos Policy is available on Council’s web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council’s Customer Service Centre.

44. *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.*

45. *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.

46. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- *preserve and protect the building /s on the adjoining land from damage; and*
- *if necessary, underpin and support the building and excavation in an approved manner; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

47. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

48. *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.*

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

49. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the*

Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:

- a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.*
 - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
50. *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.*
51. *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.

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

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

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

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

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

53. *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.

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

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

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

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. *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.*

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.

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

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

58. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

59. *A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. The SSAR includes an Unexpected Finds Protocol, which must be complied with.*

The owner, builder, site workers and the Principal Certifying Authority are to be made aware of this Unexpected Finds Protocol and its requirements prior to any works commencing.

60. *Details of any 'unexpected finds' including details of any investigation procedures, remedial actions taken and validation must be forwarded to Council accordingly.*

61. *Any fill importation to the site is to be monitored and classified by a suitably qualified person. 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'.*

Traffic Conditions/Civil Works Conditions

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

62. *The applicant shall:*
- a. *Construct concrete vehicular crossings and laybacks at kerb opposite each of the proposed vehicular entrances to the site;*
 - b. *Remove any redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and kerb and gutter.*

All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4).

Alignment Level Conditions

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

63. *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, shall be:*
- *Millard Drive: 2.5% above the adjacent top of kerb level along the full site frontage in Millard Drive.*
 - *Gubbuteh Road: Match the back of the concrete footpath along the full site frontage.*
 - *Newton Street: Match the back of the concrete footpath along the full site frontage.*
64. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb/footpath must be indicated on the building plans for the construction certificate.*

Service Authority Conditions

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

65. *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.*
66. *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.

67. *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.*
68. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*
69. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

Drainage Conditions

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

70. ***Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:***
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*

- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
71. *All stormwater run-off naturally draining to Lot 22 must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
72. *Stormwater runoff from Lot 22 shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater runoff from Lot 22 being discharged through the underground drainage system to the northern storage pond.*
73. *Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
74. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
75. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*
- The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*

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

- a. within the site at or near the street boundary prior to stormwater discharging from the site; and*
- b. prior to stormwater discharging into any absorption/infiltration system.*

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

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

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

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

77. *Prior to the issuing of an occupation certificate, 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 be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*

- a. Finished site contours at 0.2 metre intervals;*
- b. The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
- c. Details of any infiltration/absorption systems; and*
- d. Details of any pumping systems installed (including wet well volumes).*

78. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and 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. The certification must be provided following inspection/s of the*

site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

Waste Management Conditions

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

79. *The individual waste storage areas shall each be sized to contain a total of 3 bins (1 x 120 litre garbage bin, 1 x 240 litre recycling bin & 1 x 240 litre green waste bin) whilst providing satisfactory access to these bins.*
80. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
81. *The waste storage areas shall be clearly signposted.*
82. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

Subdivision Conditions

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

83. *The applicant shall create suitable rights of carriageway, easements for services, easements for access and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
84. *All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
85. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

Landscape Conditions

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

86. *Detailed landscape drawings and specifications which have been prepared in accordance with the landscaping performance criteria and controls for Precinct P1, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004, shall be submitted to, and be approved by the certifying authority, **prior to a***

construction certificate being issued. A copy of the approved plan shall be forwarded to Council if Council is not the certifier for the site.

The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

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

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

Note: All species proposed for the landscaped areas shall be selected from the list of suitable native species provided in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*

- h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - i. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
 - j. Location of easements within the site and upon adjacent sites (if any).*
- 87. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
- 88. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*
- Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
- 89. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 90. The applicant shall manage all direct and indirect impacts to the adjacent Eastern Suburbs Banksia Scrub during the construction process and other relevant threatening processes through implementation of the Priorities Action Statement (PAS) and the site specific Bushland Management Plan (BMP) as detailed in the submitted '7 Part Test' by Total Earth Care Pty Ltd dated June 2006.*

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.

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

7.3 DIRECTOR, CITY PLANNING REPORT 101/2006 - 1 - 13 FRIENDSHIP ROAD, PORT BOTANY. (MOLINEUX POINT - LOT 23) (DA/861/2006 & PROP048358)

347 **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 D/0573/2006 for the construction of a container depot comprising of a new warehouse and office space, provision of car parking, cafe and hardstand area, container wash bay, new site access and gatehouse, and business identification signage at 1-13 Friendship Road, Port Botany, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered AT-B-DA-002 Issue C, AT-B-DA-100 Issue B, AT-B-DA-110 Issue A, AT-B-DA-200 Issue B, AT-B-DA-210 Issue B, AT-B-DA-500 Issue A, and AT-B-DA-600 Issue C, all dated 15 September 2006 and stamped received by Council on 5 October 2006, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement 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 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. *An adequate deterrent strategy shall be put into effect to deter the nesting of the Little Tern in the subject site. The deterrent strategy shall include, but shall not be limited to:*

- *Engaging suitably qualified and experienced personnel to implement this strategy and be on-site on a daily basis, for the duration of the strategy;*
- *Erection and maintenance of posts at ten metre intervals with attached bunting or flagging of a kind to deter the Little Tern;*
- *The combined use of gas cannon and “Bird Frite”;*
- *Smoothing out any nest scrapes prior to any egg laying.*

Should Little Terns lay eggs within the site, or any area affected by the proposed works, all works and deterrent strategies shall cease immediately. Council’s Bushland Management Officer and the Department of Conservation shall be contacted immediately to determine when and how works shall recommence.

4. *The storage of potentially hazardous materials and potentially offensive materials is prohibited without prior consent from Council and/or any other relevant authority should approval be granted for the application.*

The following conditions are applied to meet the requirements of the Sydney Ports Corporation:

5. *The development must be implemented substantially in accordance with the requirements detailed in the letter granting landowner’s consent to the lodgement of the subject development application from Sydney Ports Corporation dated 26 October 2006.*

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

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

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

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

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

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

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

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

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

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

13. *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.

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

15. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority prior to the issuing of a construction certificate, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
16. *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:

17. *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:*
 - *Occupational Health and Safety Act 2000*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
 - *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*

- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

18. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
19. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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.

20. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
 - *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building and excavation in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
21. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

All building, demolition and associated site works are strictly prohibited on Sundays,

Public Holidays and also on Saturdays adjacent to a Public Holiday.

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

22. *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.*
23. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
24. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
 - a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
25. *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.*
26. *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.

27. *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.*

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. *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.

29. *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.*

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

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

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

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.

31. *A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
32. *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.*
33. *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 any part of the footpath, nature strip or any 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.

34. *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:

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

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:-

36. *An Acid Sulphate Soils Management Plan (ASSMP) shall be prepared by a suitably qualified person in accordance with relevant guidelines and shall be submitted to and approved by the certifying authority prior to a construction certificate being issued.*

37. *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).*
38. *Hazardous or intractable wastes arising from the demolition, excavation and remediation 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).*
39. *Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
40. *Prior to the commencement of works, adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
41. *All site works shall comply with the occupational health and safety requirements of Work Cover NSW.*
42. *The installation, storage and handling of flammable and combustible liquids and the like must comply with Australian Standards AS 1940:1993 The Storage and Handling of Flammable and Combustible Liquids and must be licensed by WorkCover NSW. A copy of the compliance certificate and WorkCover NSW Dangerous Goods licence being submitted to Council before occupation of the premises.*
43. *The wash bay area and the like are to be covered and bonded to prevent direct entry of rainwater and surface water in accordance with the Sydney Water and Department of Environment & Conservation's Environmental Guidelines and relevant conditions of consent.*
44. *Open parking areas must drain to a storm water treatment device capable of removing litter, oil, grease and sediment prior to discharge to the storm water system complying with:*
- *Environmental Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution); and*
 - *Environmental Protection Authority's Managing Urban Storm water: treatment techniques;*
 - *Council's Storm water Management Policy and conditions of consent.*
 - *Storm water treatment device(s) must be maintained at all times to Council's*

satisfaction.

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

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

46. *Sign(s) being displayed and maintained adjacent to all stormwater drains on the premises, clearly indicating "clean water only – NO waster water or rubbish".*

47. *Covered, bunded work areas, including the wash bay, shall be graded into collection sumps and/or grated drains so that surface effluent generated within the subject work area is directed into a dedicated drainage system for treatment, storage and disposal. If liquid wastes are to be disposed of to the sewer, a Trade Waste Agreement from Sydney Water is to be obtained.*

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

48. *Hazardous waste or dangerous goods shall not be stored or processed on the site.*

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

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

50. *Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997 (NSW).*

51. *Legionella control – cooling towers, warm water systems and water cooling systems must be registered with the Council prior to occupation and on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.*

The premises is to be registered with Council together with payment of the approved fee, prior to occupancy of the building.

52. *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 with the construction certificate application.

53. *Any rainwater tank use and installation to be in accordance with Council's Rainwater Tank Policy and Council's Rainwater Tank Installation Guideline 2003.*

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:

54. *The use and 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. In this regard, Richard Heggie Associates Pty Ltd dated 21 October 2002 makes reference to the set criteria as outlined in the "Noise Impact Assessment", prepared. Namely, the project specific goals are as follows:*
- *LAeq (15 minute) noise emissions from the facility should not exceed 52 dBA, 45 dBA and 40 dBA (day, evening and night-time periods respectively) at the nearest **residential** boundaries.*
 - *LAeq(15 minute) noise emissions from the facility should not exceed 65 dBA (any time of the day) at the nearest **commercial/industrial** boundaries.*
55. *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.*
56. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council following one month of the occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

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

57. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
58. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

59. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.*
60. *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.*
61. *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.*
62. *The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, prior to commencement of food business operations.*
63. *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.*
64. *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.*
65. *The design and construction of food premises must comply with the following requirements, as applicable:-*
 - *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, 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 kitchen preparation areas 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 kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All stoves, refrigerators, bainmaries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
- *Garbage storage enclosures 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.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
- *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and 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.*

- *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*
66. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.*
 67. *A certificate or statement must be provided to the certifying authority and the Council, from a suitably qualified person, prior to occupation, which confirms that the mechanical ventilation system satisfies the relevant requirements of the Building Code of Australia and Australian Standards AS 1668 Parts 1 & 2.*
 68. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works.*
 69. *Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.*
 70. *Adequate provisions are to be made within the premises including but not limited to the food premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.*

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

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

a) \$5000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- *A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and*

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

The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

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

72. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) *Construct an industrial concrete vehicular crossing and layback at kerb opposite the proposed truck entrance to the site in Simblist Road.*
 - b) *Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the proposed carpark entrance to the site in Simblist Road.*
 - c) *Reconstruct any damaged sections of kerb and gutter along the full site frontage except opposite the vehicular entrance and exit points (including associated roadworks as required).**
73. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's 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 roadway.*
74. *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.*
75. *Any new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines.*
76. *Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.*

All traffic associated with the subject development shall comply with the terms of the

approved construction traffic management plan.

77. *The access driveways and internal carpark layout shall be in accordance with AS/NZS 2890.1:2004. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
78. *Two disabled parking spaces are to be provided on the site with a minimum width of 3.2 metres.*
79. *Appropriate design improvements to the truck access (incorporating an assessment of turning paths) will be required should B-Double access to the site be necessary in the future. The applicant shall submit details of the design improvements to Council for approval prior to any works being undertaken.*
80. *Site operations shall be managed to ensure queuing of trucks is accommodated within the site at all times.*
81. *All vehicles shall enter and exit the site in a forward direction.*
82. *All costs of traffic management measures associated with the development shall be borne by the applicant.*

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

83. *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 the new driveways off Simblist Road, shall be:*
 - ***200mm above the top of the kerb at all points opposite the kerb.***

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

84. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.*
85. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$6400 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
86. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

87. *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.

88. *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 authorities.*
89. *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.*
90. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*
91. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

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

92. *Stormwater runoff from the site shall be drained in a westerly direction to the existing drainage system discharging to Botany Bay through Lot 6 in DP 1053768 (as detailed on the submitted stormwater drainage plan 24543 drawing C03 by Buckton Lysenko dated 28.09.2006).*
93. *Detailed stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority and the Sydney Ports Corporation prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
94. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
95. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
96. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*
- The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*

97. *All stormwater runoff from the site shall be taken through pollutant traps capable of removing gross pollutants, oil, grease, sediments and silts, prior to being discharged from the site.*
98. *Prior to the issuing of an occupation certificate, 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 be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
 - a) *Finished site contours at 0.2 metre intervals;*
 - b) *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - c) *Details of any detention systems; and*
 - d) *Details of any pumping systems installed (including wet well volumes).*
99. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and 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. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*
100. *The floor level of the proposed warehouse shall be a minimum of 300mm above the level of any adjacent 1 in 100 year overland flow path. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
101. *The finished surface level of parking spaces shall be a minimum of 150mm above the level of any adjacent 1 in 100 year overland flow path. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
102. *The container wash down bay and any other potential pollution sources shall be graded and drained to the sewer to the requirements of Sydney Water. It is noted that this may necessitate the area being covered.*

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

103. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

The plan shall detail the type and quantity of construction waste to be generated by the development; materials to be re-used or recycled; and facilities/procedures for the storage, collection, recycling & disposal of construction wastes.

In accordance with the Molineux Point Master Plan Guidelines, the Waste Management Plan shall also provide the following details regarding the ongoing management of operational wastes:

- a) *Include reuse strategies and targets for waste planning for the facility;*
- b) *Detail the type and quantity of waste to be generated by the proposed use;*
- c) *Detail the facilities and procedures for the storage, collection, recycling and disposal of waste.*
- d) *Include a diagram detailing the location and specifications of the garbage and recycling storage areas.*

104. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*

105. *The waste storage areas shall be clearly signposted.*

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

106. *The landscaped areas shown on the submitted landscape concept plans (06_062LC01/02 & 06_062LC02/02 by habitation dated 4.10.06) shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

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

groundlines, building elevations, and mature height of proposed planting.

- g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - i. Location of easements within the site and upon adjacent sites (if any).*
- 107. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
- 108. In order to prevent overhang into garden beds, concrete wheelstops shall be located to all carspaces. Such wheelstops shall be positioned in accordance with the Australian Standard of Parking Facilities – off-street car parking, AS2890.1-1993 and shall be shown on the detailed landscape drawings and specifications. Such works shall be installed prior to the issue of a final Occupation Certificate.*
- 109. In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*
- 110. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*
- Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
- 111. Any sections of the naturestrip upon Council's footway damaged during the 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 installed prior to the issue of a final Occupation Certificate.*
- 112. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 113. Any detention tanks located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of any detention tanks being 600mm below the finished ground level of the landscaped areas.

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 C2.3</i> | <i>-</i> | <i>Large isolated buildings</i> |
| <i>d)</i> | <i>Part C2.4</i> | <i>-</i> | <i>Requirements for open spaces and vehicular access</i> |
| <i>e)</i> | <i>Part D3</i> | <i>-</i> | <i>Access for people with disabilities</i> |
| <i>f)</i> | <i>Clause D3.5</i> | <i>-</i> | <i>Car parking for people with disabilities</i> |
| <i>g)</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i> |
| <i>h)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>i)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs & warning systems</i> |
| <i>j)</i> | <i>Part F4</i> | <i>-</i> | <i>Light and ventilation</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: (Andrews/Nash) CARRIED – SEE RESOLUTION.

7.4 DIRECTOR, CITY PLANNING REPORT 102/2006 - 200 - 210 ARDEN STREET, COOGEE. (DA/550/2006 & PROP017563)

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RESOLUTION: *(Bastic/Andrews)* that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.550/06 for permission to erect a removable/demountable canopy and increase the size of the outdoor dining area at 200-210 Arden Street Coogee subject to the following conditions: -

1. *The development must be implemented substantially in accordance with the plans numbered .01, dated 08/06/2006 and received by Council on 10 July 2006, 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 hours of operation of the footway dining area must be restricted to 6.00am to 10.00pm Monday to Sunday.*
3. *Advertising signage shall be limited to a single sign to the canopy and must be for business identification only, details of wording, colours and dimensions of lettering are to be submitted to and approved by Director of City Planning prior to the issuing of a Construction Certificate.*
4. *The structure is to be free standing and not attached to the building or the support columns of the verandah above.*
5. *Details of the seating arrangements must be submitted to and approved by the Director of City Planning prior to issuing of a Construction Certificate.*

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.

- 6 *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).*

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:

- 7 *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
- 8 *There are to be no emissions or discharges from the premises which give rise to a*

public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

- 9 *The footpath within and adjacent to the outdoor seating area must be maintained in a clean condition, free from grease, foodstuffs, litter and waste materials at all times.*

The footpath must be cleaned thoroughly on a regular basis, in a manner that is environmentally satisfactory and waste receptacles (eg. ash trays) must be provided within the area for customers.

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 *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.*

- 12 *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.

- 13 *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.

- 14 *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*
- 15 *No portion of the awning shall encroach outside of the proposed licensed area. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 16 *The proposed planter box and wooden bench seat are located outside of the licensed area and shall be deleted from the plans.*
- 17 *The proposed canvas infill between the underside of the Legion Club awning/veranda and the new awning over the outdoor dining area shall be deleted. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 18 *The proposed awning structure shall be designed to allow the existing street light (located within the licensed area) to be retained. Should the street light be damaged during the works, the applicant shall meet all costs associated with repairing/replacing the street light as required.*
- 19 *The awning structure shall be designed as a demountable/removable structure to ensure that the footpath and any services within the footpath are accessible by Council and the service authorities when required.*
- 20 *The proposed roller blinds shall be removed or rolled up outside the hours of the license agreement to ensure that the section of the footpath is left open and available for use by the public.*

- 21 *Prior to erection of any structures in the road reserve, detailed design plans for the proposed awning structure shall be submitted to Council's Director of City Services for approval in accordance with Section 138 of the Roads Act 1993. The detailed design plans shall be prepared by a suitably qualified structural engineer.*
- 22 *The new awning structure shall be set back at least 0.60 metres from the face of kerb in Arden Street.*
- 26 *The supporting elements/footings for the awning structure over council's footpath shall be located clear of any services to ensure that excavation works required to access services will not effect the supporting elements.*
- 27 *All works on the proposed awning structure along the Arden street site frontage shall be undertaken by a Council approved contractor. The contractor engaged to undertake the works must hold full public liability in relation to any claims sustained as a result of construction of the awning.*

The contractor must keep a policy of public risk insurance with respect to the works on Council property. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained as a result of the awning construction.*
- b. *The policy must name the Council as the owner and the contractors undertaking the work as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
- c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be submitted to Council prior to the commencement of work on Council property.*
- 28 *Prior to using the outdoor dining area after the new awning has been erected, the applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath within or adjacent to the proposed licensed area. This includes replacing any broken or uneven areas of paving.*
- 29 *A minimum 3.00 metre wide unimpeded pedestrian footway shall be maintained along Arden Street at all times.*
- 30 *In accordance with Council's Development Control Plan "Footpath Dining & Trading" a 1.5 metre break shall be provided in the centre of the extended trading area to facilitate pedestrian movements from the kerb through to the 3 metre wide pedestrian footway.*
- 31 *Prior to operation of the extended footpath restaurant the applicant/proposed*

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

- 32 *The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area (including the awning structure) and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.*

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area.*
- b. *The policy must name the Council as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first given the Council ten (10) days prior written notice.*
- c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Council*
- 33 *The Licensee shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.*
- 34 *The style and colour of the furniture to be used in the footpath restaurant area shall be in accordance with the Development Control Plan "Footpath Dining & Trading". No other structures shall be installed without the prior written consent of Council. Design details of the proposed furniture shall be submitted to and approved by the Director of City Planning, prior to the execution of a formal license agreement between Council and the applicant.*
- All street furniture is to be removed from the licensed area outside approved trading hours.*
- 35 *The applicant shall ensure that the footpath restaurant area is maintained in a clean and tidy condition at all times. It is noted that this includes high pressure water blasting to clean the footpath restaurant area at least once every 6 months or as directed by Council's officers.*
- 36 *The footpath restaurant area Licensee shall ensure that the pavement of the footpath restaurant area is maintained free of grease and other foodstuffs at all times.*
- 37 *The footpath restaurant area Licensee shall, during the term of the agreement with Council, abide with any current or future Council Policy, Resolution or directive relative to the consumption of alcohol in public spaces.*
- 38 *The licensee of the outdoor dining area shall meet the full cost for the awning structure (and associated supporting elements/footings) located over Council's*

footpath to be removed (and the area reinstated to the satisfaction of Council), if either:-

- (1) The duration of the licence agreement expires and a new licence is not entered into; or*
 - (2) The licensee fails to comply with the terms of the licence agreement and/or Council determines that the awning structure is posing as a safety hazard or obstructing pedestrian traffic; or*
 - (3) The new design guidelines for the Coogee Beach Precinct determine that the awning structure is not appropriate*
- 39 The licensee of the outdoor dining area shall clean, maintain, renew and repair the awning structure located over the public footway along the Arden Street site frontage, with all works being undertaken to the satisfaction of Council.*
- 40 The licensee of the outdoor dining area shall hold full public liability in relation to any claims sustained as a result of the awning structure.*
- 41 No structures shall be erected, nor goods stored, nor any work carried out in, on or over the public footway other than those approved by Council.*
- 42 The licensee of the outdoor dining area shall abide with any directive given by any utility authority in relation to access requirements to any utility within the licensed area.*
- 43 Following completion of the design guidelines for the Coogee Beach Commercial Precinct, the licensee will be required to abide by any directions issued by Council in relation to the awning structure and outdoor dining furniture.*
- 44 This development consent is valid for a maximum period of seven (7) years from the date of determination. A new development application is to be lodged prior to the expiration of the development consent should the Licensee/owner wish to continue using Council's footpath for outdoor dining.*

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

- 45 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.*
- 46 Written confirmation from the service authorities confirming that they do not object to the location of the awning structure (and associated supporting elements/footings) shall be submitted to the certifying authority prior to the issuing of a construction certificate.*
- 47 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 authorities.*

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

- 48 *Should the Norfolk Island Pine tree(s) located adjacent to the outdoor dining area be damaged during the construction works, the applicant shall meet the full cost for Council to plant established replacement trees at the completion of the works. If the location of the pine tree to the north conflicts with the proposed awning, the applicant shall meet the full cost for council or a council approved contractor to relocate the tree and surrounds.*

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

- 49 *Access for people with disabilities must be provided to and within the enclosures to the satisfaction of the Certifying Authority. Details of the proposed access for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

The following condition is applied to ensure that sanitary facilities are available for patrons and staff:

- 50 *Provide signage, located in a prominent location in the enclosure, indicating the availability and location of the public toilet facilities in Goldstein Reserve and that a toilet is available on site that may be accessed on request. The signs must be legible with letters of at least 25mm in height on a contrasting background to the satisfaction of the Certifying Authority.*

ADVISORY MATTERS:

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

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

- a) *Part B1 - Structural provisions*

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.

- A2 *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily*

satisfy the objectives of the Disability Discrimination Act 1992.

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

MOTION: (Matson/Hughes) that Council as the consent authority, refuse its development consent under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.550/06 for permission to erect a removable/demountable canopy and increase the size of the outdoor dining area at 200-210 Arden Street Coogee, for the following reasons:-

1. it is not in accordance with Section 2.1 of Council's Footpath Dining and Trading DCP 2004.
2. the likely impacts of the application, including the social economic impact in that the application would contribute to the anti-social behaviour in the vicinity.
3. the proposal would not be in the public interest. **LOST.**

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

For	Against
Hughes	Andrews
Matson	Bastic
	Belleli
	Daley
	Kenny
	Nash
	Notley-Smith
	Seng
	Sullivan
	Mayor, Cr. P. Tracey

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

AMENDMENT: (Hughes/Matson) that:

- (a) this design be pulled back one full bay to align with the Coogee Yeeros Café boundary to ensure compliance with Council's Footpath Dining and Trading DCP 2004;
- (b) condition 51 be added to read "no signage be allowed anywhere on the structure."
- (c) condition 52 be added to read "restore the Norfolk Pine tree to the north of the structure." **LOST.**

Councillors Hughes and Matson requested that their names be recorded as opposed to the resolution.

8. GENERAL MANAGERS' REPORTS.

8.1 GENERAL MANAGER'S REPORT 43/2006 - SEPTEMBER 2006 QUARTERLY REVIEW - MANAGEMENT PLAN 2006/09. (F2006/00339)

349 *RESOLUTION: (Andrews/Nash) that the information contained in the report of the September 2006 Quarterly Review – 2006/09 Management Plan be received and noted.*

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

8.2 GENERAL MANAGER'S REPORT 44/2006 - 2005/2006 ANNUAL REPORT. (F2005/00388)

350 *RESOLUTION: (Andrews/Nash) that the 2005/2006 Annual Report be received and noted.*

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

8.3 GENERAL MANAGER'S REPORT 45/2006 - RANDWICK CITY STATE OF THE ENVIRONMENT REPORT 2006. (F2005/00915)

351 *RESOLUTION: (Andrews/Nash) that the information contained in the Randwick City State of the Environment Report 2005/06 be received and noted.*

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

8.4 GENERAL MANAGER'S REPORT 46/2006 - GRANTS, DONATIONS AND SUBSIDIES. (F2005/00469)

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

- a) *the draft Policy – Grants, Donations and Subsidies be adopted and implemented by Council;*
- b) *the draft Policy - Community Facilities Management and Rental Subsidies be adopted and implemented by Council;*
- c) *details in relation to the provision of subsidies to community groups be reported in Council's Annual Report; and*
- d) *letters of appreciation be sent to the community representatives who assisted in the preparation of these policies.*

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

8.5 GENERAL MANAGER'S REPORT 47/2006 - AFFIXING OF THE COUNCIL SEAL. (F2004/06336)

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

1. *A residential tenant over the premises at 3/20 Silver Street, Randwick.*
2. *Margaret Bellanto (T/As Zebra Cafe) in relation to a licence for the purpose of*

- outdoor dining at 41 McKeon Street, Maroubra.*
3. *Masumi Yasuda (T/As Café Japone) in relation to a licence for the purpose of outdoor dining at 1 Canberra Street, Randwick.*
 4. *Jeratha Pty Ltd (T/As The Berry Catering Co Pty Limited) in relation to a licence for the purpose of outdoor dining at 6a&6b/159 Anzac Parade, Kensington.*
 5. *Eric Chu (T/As Noodle Junction) in relation to a licence for the purpose of outdoor dining at 908 Anzac Parade, Maroubra.*
 6. *Issac Lean (T/As Zacks Cafe) in relation to a licence for the purpose of outdoor dining at 211 Coogee Bay Road, Coogee.*
 7. *Fekri Chatila (T/As Ambrosia On the Spot) in relation to a licence for the purpose of outdoor dining at 22 St Pauls Street, Randwick.*
 8. *Mark & Lyndall Truran (T/As The Jilted Anchovy) in relation to a licence for the purpose of outdoor dining at 348 Clovelly Road, Clovelly.*
 9. *Glen Powys (T/As On the Bay Café) in relation to a licence for the purpose of outdoor dining at 59 Bay Parade, Malabar.*
 10. *Danny Meares (T/As Danny's Seafood Restaurant) in relation to a licence for the purpose of outdoor dining at 1605 Anzac Parade, La Perouse.*

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

8.6 GENERAL MANAGER'S REPORT 48/2006 - APPOINTMENT OF HISTORIAN FOR THE HISTORY OF RANDWICK PUBLICATION. (F2006/00582)

- 354 **RESOLUTION: (Andrews/Nash) that Council employ professional historian Pauline Curby for two years to research and write the history of Randwick City.**

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

9. DIRECTOR, CITY SERVICES' REPORTS.

9.1 DIRECTOR, CITY SERVICES' REPORT 84/2006 - USE OF COUNCIL PARKS, RESERVES AND BEACHES BY COMMERCIAL FITNESS GROUPS AND PERSONAL TRAINERS. (F2004/07550)

- 355 **RESOLUTION: (Belleli/Andrews) that:**

- a) *the Policy on the use of Council Reserves by Commercial Fitness Groups and Personal Trainers, be adopted.*
- b) *The proposed fee structure be advertised in accordance with the requirements of the Local Government Act.*

MOTION: (Matson/Hughes) that this matter be placed on public exhibition with a further report to come back to Council. LOST.

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

9.2 DIRECTOR, CITY SERVICES' REPORT 85/2006 - LIBRARY BOOK CLUB COLLECTIONS. (F2004/08383)

- 356 **RESOLUTION: (Andrews/Nash) that Council support the creation of the Book Club**

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

10. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

10.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 71/2006 - COUNCILLORS' EXPENSES & FACILITIES POLICY. (F2005/00176)

357 **RESOLUTION:** *(Andrews/Nash) that the draft Councillors' Expenses & Facilities Policy (as distributed) be placed on public exhibition in accordance with the requirements of Section 253 of the Local Government Act and that the matter be reported back to Council at the conclusion of the public exhibition period.*

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

10.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 72/2006 - 2006/2007- BUDGET REVIEW AS AT 30 SEPTEMBER 2006. (F2004/06516)

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

- a) *the report in relation to the September 2006 budget review be received and noted; and*
- b) *the proposed September 2006 budget variations shown in Attachment 3 to this report be adopted.*

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

10.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 73/2006 - ARRANGEMENTS DURING CHRISTMAS/NEW YEAR PERIOD FOR DECISION MAKING & SCHEDULE OF MEETINGS FOR 2007. (F2004/06565)

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

- a) *the Council Meeting recess commence following the Ordinary meeting scheduled to be held on Tuesday 12 December 2006 and meetings be resumed on Tuesday 13 February 2007 (with Committee meetings being held on that night) and during the recess period Policy No. 1.01.11 (Council in Recess – Procedure) be utilised, subject to the need for any Extraordinary Meetings which may be called in extenuating circumstances.*
- b) *the Meeting Schedule for the 2007 calendar year be adopted.*

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

10.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 74/2006 - EARLY CLOSING - CHRISTMAS/NEW YEAR 2006. (F2004/06893)

360 **RESOLUTION:** *(Andrews/Nash) that the following arrangements for the 2006 Christmas/New Year period be noted:*

- Friday 22 December 2006 – Council offices to close at 12 midday; and
- Friday 29 December 2006 – Council offices to close at 3.00pm.

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

10.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 76/2006 - PROTECTING NSW WORKERS FROM WORKCHOICES BILL 2006. (F2004/06921)

361 **RESOLUTION: (Bastic/Kenny)** that the legal advice in relation to the “Protecting NSW Workers from WorkChoices Bill 2006” be received and noted and no further action be taken at this stage.

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

11. PETITIONS.

11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR ON BEHALF OF RESIDENTS REGARDING ONGOING PARKING ISSUES AT THE SOUTHERN END OF TUNSTALL AVENUE. (F2004/06184)

362 **RESOLUTION: (Notley-Smith/Nash)** that the petition tabled be received and noted.

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

11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR ON BEHALF OF RESIDENTS REGARDING THE PROPOSED FOOTPATH IN TASMAN STREET, PHILLIP BAY. (F2006/00420)

363 **RESOLUTION: (Notley-Smith/Nash)** that the petition tabled be received and noted.

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

11.3 PETITION SUBMITTED BY COUNCILLOR BRUCE NOTLEY-SMITH ON BEHALF OF RESIDENTS OBJECTING TO THE RANDWICK TRAFFIC COMMITTEE DECISION REGARDING 65-67 COOGEE BAY ROAD, COOGEE. (F2004/08222)

364 **RESOLUTION: (Notley-Smith/Nash)** that the petition tabled be received and noted.

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

11.4 PETITION SUBMITTED BY COUNCILLOR MICHAEL DALEY ON BEHALF OF RESIDENTS OBJECTING TO THE PROPOSED OUTDOOR TERRACE SEATING AT THE SANDS HOTEL, MAROUBRA. (DA/867/2006)

365 **RESOLUTION: (Notley-Smith/Nash)** that the petition tabled be received and noted.

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 MOTION BY COUNCILLOR MATSON – TEMPORARY RESIDENT PREFERRED PARKING IN BAY STREET. (F2004/07232 XR F2005/00171)

366 **RESOLUTION:** *(Matson/Hughes) that Council respond to resident complaints about disruptions caused by the ongoing development work in Bay Street, Coogee by:*

- a) *responding to issues raised in Ms Lucy Richard's email dated 24 October 2006, by assertively patrolling the street with rangers;*
- b) *the General Manager be delegated authority to seek approval from the Traffic Committee as soon as possible on a proposal to implement a temporary resident preferred parking scheme in the street for the duration of the development work;*
- c) *setting the timed restrictions for this scheme to be one hour for non-residents and issuing any required permits at no cost to residents.*

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

12.2 MOTION BY COUNCILLOR MATSON – RESPONSE TO TOTAL ENVIRONMENT CENTRE LETTER OF PSF FUNDING. (F2005/00075 XR F2005/00171)

367 **RESOLUTION:** *(Matson/Hughes) that Council resolve not to accept short term PSF (Product Stewardship Forum) funding for reducing waste and writes to the State Government renewing its call for Extended Producer Responsibility (EPR) schemes such as Container Deposit Legislation (CDL).*

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

12.3 MOTION BY COUNCILLOR MATSON – CLARIFICATION ON STATE GOVERNMENT RESPONSE TO ALCOHOL RELATED PROBLEMS IN COOGEE. (F2005/00515 XR F2005/00171)

368 **RESOLUTION:** *(Matson/Hughes) that Council:*

- a) *convenes a meeting of residents and ward Councillors to discuss social and parking problems occurring in streets adjacent to the Beach Palace Hotel from alcohol related disturbances; and*
- b) *seeks an urgent meeting prior to the next state election with the State Minister for Gaming and Racing to seek action for the curtailing of these problems.*

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

12.4 MOTION BY COUNCILLOR MATSON – COUNCIL ENDORSEMENT FOR CLIMATE ACTION COOGEE. (F2005/00324 XR F2005/00171)

369 **RESOLUTION:** *(Matson/Hughes) that Council endorses the Climate Action Coogee meeting of the 26th November 2006 as a desirable local initiative.*

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

12.5 MOTION BY COUNCILLOR NOTLEY-SMITH – INSTALLATION OF NO STANDING SIGNS OUTSIDE 65 COOGEE BAY ROAD. (F2004/07433 XR F2005/00171)

370 *RESOLUTION: (Notley-Smith/Nash) that Council immediately installs the “No Standing” signs outside 65 Coogee Bay Road, as previously supported by the Randwick City Council Traffic Committee.*

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

12.6 MOTION BY COUNCILLOR NOTLEY-SMITH– RECYCLING & DEPOSITING UNWANTED COMPUTER EQUIPMENT. (F2004/08168 XR F2005/00171)

371 *RESOLUTION: (Notley-Smith/Belleli) that:*

- (a) *a report be brought back to Council on the possible implementation by Council of an ongoing program to allow residents to deposit unwanted computer equipment at a Council depot or other location, with the view to passing-on working equipment to those in our City without a computer and recycling and safe disposal of remaining equipment; and*
- (b) *the Randwick Council website include a list of organisations that recycle computers.*

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

12.7 MOTION BY COUNCILLOR BRUCE NOTLEY-SMITH –STORMWATER DETENTION TANKS. (F2004/07209 XR F2005/00171)

372 *RESOLUTION: (Notley-Smith/Belleli) that a report be brought to the Health, Building & Planning Committee on the feasibility of the utilising of a building’s stormwater detention tanks for water storage and on-site reuse.*

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

12.8 MOTION BY COUNCILLOR MATSON – REDUCING COMPETITION FOR PARKING BETWEEN BAY STREET RESIDENTS AND DEVELOPERS. (F2004/07232 XR F2005/00171)

This motion was considered in conjunction with Item 12.1. See resolution number 363.

13. CONFIDENTIAL REPORTS.

13.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 86/2006 - CONSTRUCTION AND RENOVATION FOR DUNNINGHAM AND GRANT RESERVES AMENITIES BLOCKS T21/2906. (F2006/00445)

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

- a) *Council decline to accept any of the tenders for the construction and renovation of Dunningham and Grant Reserve amenities blocks T21/2006;*

- b) *Council decline to invite fresh tenders for this project given that Melhem Corp withdrew its tender owing to errors and omissions and that other submitted tenders were well beyond available funds allocated to this project;*
- c) *authority be granted to the General Manager to enter into negotiations with Melhem Corp with a view to entering into a contract in relation to the subject matter of the tender on the basis that it is believed that negotiations with Melhem Corp will enable Council to successfully negotiate a value for money lump sum contract that falls within Council's budget for this project;*
- d) *authority is granted to the General Manager in conjunction with the Mayor, to sign and affix Councils Common Seal to enter into a contract on behalf of Council with Melhem Corp for Construction and Renovation of Dunningham and Grant Reserve Toilet Blocks; and*
- e) *The all tenderers be notified of the Tender result and the reasons for not accepting any of the tenders as required and in accordance with the regulation.*

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

13.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 87/2006 - RANDWICK CITY LIBRARY AND INFORMATION SERVICE STAFF RESTRUCTURE. (F2004/08383)

374 **RESOLUTION:** *(Andrews/Nash) that the report on the staff restructure be received and noted.*

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

13.3 CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 75/2006 - SSROC TENDER FOR THE SUPPLY & DELIVERY OF READY-MIXED CONCRETE. (F2004/08185)

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

- a) *the report prepared by the Tender Panel, for the supply and delivery of ready-mixed concrete to member and associate member councils of SSROC, be received and noted;*
- b) *under Regulation 178 (1)(a) of the Local Government (General) Regulation 2005, Council accept the tender submission offered by Concrete Pty Ltd; and*
- c) *Concrete Pty Ltd be accepted as the successful tenderer, and the terms and conditions of the service be finalised prior to execution of the contract.*

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

14. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, the Mayor, Cr P. Tracey, declared the meeting closed at 7.58 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 12TH DECEMBER, 2006.

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CHAIRPERSON