

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 24TH APRIL 2007 AT 6:03 P.M.**

PRESENT:

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

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

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash, & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager, Corporate & Financial Planning	Ms. A. Zahra.
Manager, Health, Building & Regulatory Services	Mr. R. Wereszczynski.
Manager, Organisational Policy & Performance	Ms. K. Walshaw.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Councillor Sullivan.

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

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Nil.

60 **RESOLUTION: (Sullivan/Daley)** that leave of absence be granted to Councillor Procopiadis from 15th June, 2007 through to 29th August, 2007.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 27TH MARCH 2007.

61 **RESOLUTION: (White/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 27th March 2007 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to it being noted that Councillor Seng left the chamber during discussion and voting on item 9.1 as he had declared a pecuniary interest in the matter.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Sullivan declared a pecuniary interest in item 8.5 as he lives in the same street as the development.
- (b) Cr Belleli declared a non pecuniary interest in item 6.4 as his wife's performing arts school will be performing at this event.
- (c) Cr Daley declared a non pecuniary interest in item 8.5 as he has concerns that persons associated with this development may have donated previously to the Labor Party.
- (d) Cr Sullivan declared a non pecuniary interest in item 8.4 as he is a past patron of the Coogee Dolphins.
- (e) Cr Sullivan declared a non pecuniary interest in item 8.2 as some aspects of his occupation involve the child care industry.

RESOLVED: (PROCEDURAL MOTION) (Notley-Smith/Bastic) that the speakers, debate and voting take place on items 8.4 and 8.5 at the beginning of the meeting to accommodate the very large public gallery in attendance.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 8.1 DIRECTOR, CITY PLANNING REPORT 15/2007 - COOGEE PALACE HOTEL, 169-181 DOLPHIN STREET, COOGEE.

Against Ms Caroline Murray – 5/169 Arden Street, Coogee

For Mr Chris Warhurst – on behalf of the Applicant

Item 8.2 DIRECTOR, CITY PLANNING REPORT 16/2007 - 45 MARKET STREET, RANDWICK.

Against Mr Tim McCarthy – on behalf of the Applicant

For Mr Vince Connell – 2/32 Figtree Ave, Randwick

Item 8.4 DIRECTOR, CITY PLANNING REPORT 18/2007 - BARDON PARK, 71R MOUNT STREET & CNR BREAM STREET, COOGEE.

Against Mr Sebastian Bass – 32 Leeton Ave, Coogee

For Mr Pat Byrne – President, Coogee Dolphins Sports Club

Item 8.5 DIRECTOR, CITY PLANNING REPORT 19/2007 - 155-157 ARDEN STREET, COOGEE.

Against Mr Phil Everingham - 3/21 Arcadia Street, Coogee

For Ms Meredith Melville-Jones (owner)

Item 13.5 Motion By Councillor Procopiadis – Half Road Closure Resolution for Lenthall Street.

For Mr Mark Pistilli - 27 Lenthall Street, Kensington

The meeting was adjourned at 8.08 p.m. and was resumed at 8.28 p.m.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 20/2007 - DONATED CRICKET BATS. (F2005/00182)

62 **RESOLUTION:** *(Mayor, Cr. P. Tracey)* that the bats from the Maroubra Beach Cricket Competition be donated to the Children's Hospital to be used for fundraising purposes.

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

6.2 MAYOR'S MINUTE 212007 – ABOLISHMENT OF COUNCIL BI-ELECTION. (F2004/06584)

63 **RESOLUTION:** *(Mayor, Cr. P. Tracey)* that Council approach the Minister for Local Government requesting the abolition of bi-elections in multi member wards by filling vacancies by political party nomination, or in the case of independents, by recounting the original ballot.

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

6.3 MAYOR'S MINUTE 22/2007 - RACING TO THE TOP. (F2004/06574)

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

- (a) Council fund the "Racing to the Top" project;
- (b) all publicity relating to the Racing to the Top project acknowledges Council's contribution by displaying the logo;
- (c) the Mayor or his representative shall be given the opportunity to address the activities pertaining to the "Racing to the Top Project" on behalf of Council; and
- (d) Council allocate \$4,000.00 from the 2006/07 Contingency Fund.

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

6.4 MAYOR'S MINUTE 23/2007 – COMMUNITY FAIR TO BE HELD AT CORAL SEA PARK ON 26 MAY 2007. (F2004/07842)

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

- a) Council vote \$8,741.71 to cover the fees associated with the Community Fair to be held on Saturday, 26 May, 2007 and that these funds be allocated from the 2006/07 Contingency Fund;
- b) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements, etc, Council being mentioned as sponsor in any radio advertisements, sponsorship acknowledged in all local press and publicity); and
- c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

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

6.5 MAYOR'S MINUTE 24/2007 – MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE. (F2004/07396)

66 **RESOLUTION:** *(Mayor, Cr. P. Tracey)* that Council donate \$300.00 to help cover the costs involved in allowing Selma Kajan to represent Australia at the World Youth Championships being held in the Czech Republic in July 2007.

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

6.6 MAYOR'S MINUTE 25/2007 – MAROUBRA SWIMMING CLUB - REQUEST FOR WAIVING OF FEES

67 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council waives the \$660.00 pool hire fee for the Maroubra Swimming Club's annual fundraiser at the Des Renford Aquatic Centre, such funds to come from the 2006/07 Contingency Fund.*

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

6.7 MAYOR'S MINUTE 26/2007 – RANDWICK'S CITY/COUNTRY SUSTAINABILITY SCHOOLS EXCHANGE

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

- (a) Council endorse Randwick's City / Country Sustainability Schools Exchange between a local metropolitan school (Randwick) and a regional school (Wagga Wagga);*
- (b) Council's Sustaining our City initiative undertake the lead in this project as part of its environmental education activities and investigate funding or sponsorship opportunities to continue the project;*
- (c) the two participating schools undertake a practical learning exchange as part of Randwick's EcoLiving Fair in June and the National Tree Day in July; and*
- (d) progress on the City / Country Sustainability Schools Exchange be brought back to Council in August following these two events and report on the feasibility of continuing or expanding this project in 2008.*

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

6.8 MAYOR'S MINUTE 27/2007 – RANDWICK CITY COUNCIL SUPPORT FOR LOCAL YOUNG PERSONS HEALING RETREAT

69 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Randwick City Council approves \$5000.00 from the Council Contingency Fund 2006-07 towards the healing retreat for local young people, which is organised under the auspices of the National Association for Loss and Grief.*

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

6.9 MAYOR'S MINUTE 28/2007 – FILMING OF TELEVISION COMMERCIAL FOR THE SYDNEY CHILDREN'S HOSPITAL FOUNDATION - REQUEST FOR WAIVING OF FILMING FEES.

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

- a) Council vote \$1,133.00 to cover the fees associated with the filming of the charity television commercial for the Sydney Hospital Foundation's Gold Week campaign and that these funds be allocated from the 2006/07 Contingency Fund; and*
- b) Film Construction undertake to appropriately and prominently acknowledge and promote Council's contribution to the filming.*

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

6.10 MAYOR'S MINUTE 29/2007 – RANDWICK & DISTRICT HISTORICAL SOCIETY WEBSITE

71 **RESOLUTION: (Mayor, Cr. P. Tracey)** that Council agree to host the Randwick and District Historical Society's website and provide a link from Council's website once the site has been developed by the Historical Society.

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

7. URGENT BUSINESS.

7.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 10/2007 - 169-181 DOLPHIN STREET, COOGEE - BEACH PALACE HOTEL.

This matter was considered in conjunction with item 14.2. See resolution number 92.

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 15/2007 - COOGEE PALACE HOTEL, 169-181 DOLPHIN STREET, COOGEE. (DA/1140/2003/A & PROP017163)

72 **RESOLUTION: (Matson/Woodsmith)** that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. DA/1140/2003/A on property 169-181 Dolphin Street, Coogee for the following reasons: -

1. *The proposed intensification of the existing hotel use is inconsistent with part c of the 3A zone objectives in that it will adversely affect the amenity of persons residing in the adjoining residential zone.*
2. *The proposal is likely to result in increased patronage to the hotel and adversely impact on the amenity of neighbouring residents in terms of noise generated by patrons on and off the site, and the anti-social behaviour of patrons off the site including violence, street drinking, vandalism, graffiti, and litter.*
3. *The proposal is not in the public interest having regard to the objections received and the circumstances of the case.*

MOTION: (Bastic/Andrews) Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. DA/1140/2003/A on property 169-181 Dolphin Street, Coogee for the reasons outlined in the report. **LOST.**

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION

AMENDMENT: (Sullivan/White) should the applicant appeal to the Land & Environment Court, the result be reported back to Council. **LOST.**

8.2 DIRECTOR, CITY PLANNING REPORT 16/2007 - 45 MARKET STREET, RANDWICK. (DA/658/2006 & PROP0011425)

73 **RESOLUTION: (Matson/Woodsmith)** that the applicant be given the opportunity to revise the proposal to address the following parking-demand scenarios described in the independent traffic review.

- (a) *A centre for 24 children, with 2 stacked on-site spaces for staff, 2 on-street parent/carer spaces within the site frontage to Market Street signposted as 10 minute set-down/pick-up spaces during peak periods; and 2 other on-street spaces; or*
- (b) *A centre for 28 children, with 3 stacked (and managed) spaces for staff, 2 on-street parent/carer spaces within the site frontage to Market Street signposted as 10 minute setdown/pick-up spaces during peak periods; and 2 other on-street spaces; or*

- (c) *A centre for 46 children, with 6 off-street spaces, 2 on-street parent/carer spaces within the site frontage to Market Street signposted as 10 minute set-down/pick-up spaces; and 2 other on-street spaces.*

MOTION: (Andrews/Bastic) that Council approve a centre for 46 children, with 6 off-street spaces, 2 on-street parent/carer spaces within the site frontage to Market Street signposted as 10 minute set-down/pick-up spaces; and 2 other on-street spaces in accordance with the conditions of consent detailed in the report to Council on 13th February, 2007. **LOST.**

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

8.3 DIRECTOR, CITY PLANNING REPORT 17/2007 - 45-61 MILITARY ROAD, MATRAVILLE. (DA/680/2006 & PROP051813 & PROP042452 & PROP019683)

74 **RESOLUTION: (Andrews/Matson) that:**

- A. *Council as the responsible authority waive the requirement for masterplan under Clause 40A of the Randwick Local Environmental Plan 1998 because adequate guidelines and controls applying to the land are already in place.*
- 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 DA/680/2006 to demolish the existing kiosk and construct a new building including 3 condolence rooms, café, florist and associated amenities at 45-61 Military Road, Matraville subject to the following conditions:*

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:

1. *The development must be implemented substantially in accordance with the plans numbered DA01 to DA05 Revision C received by Council on 5 December 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:*
2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the surrounding heritage listed buildings. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

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

3. *Prior to the issuing of an Occupation Certificate, the applicant must meet the full cost for Council to undertake civil works including, but not limited to:*
 - a. *Construction of angle parking bays, concrete kerb and gutter and associated works, together with the installation of landscaping, signposting and linemarking along the site frontage from the southern property boundary to a point approximately 90 metres north.*

The applicant shall liaise directly with Council's City Services Department in regard to this matter.

Note: One parking space in the proposed on-street angle parking bays shall be delineated as a loading bay to be used by utility vehicles or vans making deliveries to the subject site.

4. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

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

5. *The design alignment level for the Military Road property boundary for driveways, access ramps and pathways or the like, shall be obtained in writing from Council's Coordinator of Assets, (9399 0928), prior to lodgement of a Construction Certificate.*
6. *The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
7. *The above alignment levels will be issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid to Council prior to a construction certificate being issued for the development.*

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

8. *Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
9. *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, and 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.*
10. *All stormwater run-offs 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.*
11. *All site stormwater from the redeveloped portion of the site must be discharged (by gravity) to either:*
- a. *The kerb and gutter or drainage system at the front of the property; OR*
 - b. *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*
12. *Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 100 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.*
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.*
13. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 100 year storm event.*
14. *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.*
15. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
16. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*
- a. *150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)*

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

Notes:

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

- 17. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.
- 18. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- 19. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- 20. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
- 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.
- 23. The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-
 - a. The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
 - b. The pit constructed from cast in-situ concrete, precast concrete or double brick.

- c. *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.*
- d. *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- e. *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- f. *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- g. *A sign adjacent to the pit stating:*
- h. *"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.*

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

Notes:

- *The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*
 - *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
 - *The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.*
25. *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. *The location of the detention basin with finished surface levels;*
 - b. *Finished site contours at 0.2 metre intervals;*
 - c. *Volume of storage available in the detention areas;*
 - d. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - e. *The orifice size(s) (if applicable);*
 - f. *Details of any infiltration/absorption systems; and*

- g. *Details of any pumping systems installed (including wet well volumes).*
26. *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 consideration for service authority assets:

27. *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.*
28. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

29. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
30. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Jane Irwin Landscape Architecture, drawing number LS01, issue B, dated 23.11.05 and stamped received at Council on 23rd August 2006, subject to the following additional requirements being included on an amended plan, which shall be submitted to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
- a. *Deletion of all landscape and civil works proposed beyond the western boundary, on Council's Military Road nature strip and roadway, as any future, separate approval for such work would need to result from detailed discussions with Council's Asset and Design staff.*
 - b. *Notation stating that all paving/hard-surfacing beneath at the eastern end of the site, beneath the western sides of their canopies, shall be porous/permeable in nature, in order to maintain acceptable levels of air and moisture exchange to the rootzone of the three Kaffir Plum trees.*
 - c. *Identification of the exact location of species proposed for planting throughout the site.*
 - d. *Deletion of *Ralphiolepis umbellata* (Indian Hawthorn) from the planting plan and planting schedule as this species is considered an environmental weed given the ability of its berries to be spread by birds and invade areas of native, remnant bushland. A suitable alternative species of similar form and function shall be selected in its place.*

Tree Management

31. *Permission is granted for the selective pruning of only those lower growing branches from the western and eastern sides of the three Harpephyllum caffrum (Kaffir Plums), located beyond the eastern boundary, with the adjacent memorial lawn, which specifically need to be removed in order to avoid damage/conflict during the course of the proposed works.*
32. *All pruning must be undertaken by a qualified Arborist, who is a registered member of a nationally recognized organisation, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
 - *NOTE: While located outside the site boundary, the applicant may remove the existing insignificant trees on Council's Military Road nature strip should the need arise during the course of the proposed works.*

Tree Protection Measures

33. *In order to ensure the retention of the three Harpephyllum caffrum (Kaffir Plums) located beyond the eastern boundary of the site, within the adjacent memorial lawn in good health, the following measures are to be undertaken:*
 - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the three specimens with the position of their trunks and the full diameter of their canopies clearly shown on all drawings.*
 - b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels for a distance of 3 metres to the west of the existing memorial wall, to their west of their trunks, beneath the western sides of their canopies.*
 - c. *All three trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of 3 metres to the west of the existing memorial wall, along the full length of the eastern boundary, returning back to the eastern boundary at the northern and southern ends of the site, to completely enclose all three trees.*
 - d. *This fencing shall be installed prior to the physical commencement of excavation/construction works, and shall remain in place until the landscape works proposed beneath the western sides of their canopies is being carried out.*
 - e. *The words "TREE PROTECTION ZONE", "DO NOT ENTER", shall be permanently attached to the fencing for the duration of the works.*
 - f. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
 - g. *Any excavations beneath the western sides of the canopies of all three trees, for a minimum distance of 3 metres off the existing memorial wall, shall be initially undertaken by hand, with any roots encountered to be cut cleanly by hand, and the affected area backfilled as soon as practically possible.*

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:

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

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

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

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

36. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*

37. *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.*

38. *Any fill importation to the site is to be monitored and classified by a suitably qualified environmental consultant. 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'.*

39. *An Acid Sulfate Soils Management Plan is required prior to be developed prior to a construction certificate being issued for the development.*

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

40. *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.*

41. *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:*

- a. Food handling – skills, knowledge and controls.*
- b. Health and hygiene requirements.*
- c. Requirements for food handlers and businesses.*
- d. Cleaning, sanitising and maintenance.*
- e. Design and construction of food premises, fixtures, fitting and equipment.*

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.

42. *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.*
43. *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.*
44. *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.*
45. *The design and construction of food premises must comply with the following requirements, as applicable:-*
 - a. *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.*
 - b. *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
 - c. *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.*
 - d. *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.*
 - e. *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.*
 - f. *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.*
 - g. *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars are 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.*
 - h. *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.*
 - i. *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings.*

- j. *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.*
 - k. *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.*
 - l. *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.*
 - m. *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
 - n. *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.*
 - o. *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 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.*
46. *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.*
47. *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.*
48. *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.*
49. *Commercial waste materials must not be disposed via council's domestic garbage service. All 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.*
50. *Adequate provisions are to be made within the 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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:-

51. *All works must be carried out in accordance with the requirements of the accepted Site Management Plan (SMP) and the Acid Sulphate Soils Management Plan (ASSMP), as applicable.*
52. *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). In this regard, the terms and conditions of the current and relevant NSW EPA License (number 12104) shall be complied with.*
53. *Hazardous or intractable wastes shall be handled in accordance with the requirements of Work Cover NSW and the Environment Protection Authority, and with the provisions of:*
 - a. *New South Wales Occupational Health and Safety Act, 2000;*
 - b. *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - c. *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - d. *Protection Of the Environment Operations Act 1997 (NSW) and*
 - e. *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
54. *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.*
55. *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.*
56. *All site works shall comply with the occupational health and safety requirements of Work Cover NSW.*
57. *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 Work Cover NSW. A copy of the compliance certificate and Work Cover NSW Dangerous Goods licence being submitted to Council before occupation of the premises.*
58. *Any wash bay area and the like are to be covered and bunded 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.*
59. *Open areas (including parking areas) must drain to a storm water treatment device (as applicable) which is capable of removing litter, oil, grease and sediment prior to discharge to the storm water system complying with:*
 - a. *Environmental Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution); and*
 - b. *Environmental Protection Authority's Managing Urban Storm water: treatment techniques;*

- c. *Council's Storm water Management Policy and conditions of consent.*
- d. *Storm water treatment device(s) must be operated and maintained at all times to NSW EPA and Councils Manager of Regulatory Health and Building Services satisfaction.*
60. *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 City Planning 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.*
61. *Sign(s) being displayed and maintained adjacent to all stormwater drains on the premises, clearly indicating "Clean Water Only – NO Waste Water or Rubbish".*
62. *The work areas, storage bays, wash bays and the like shall be covered, bunded and graded into collection sumps and/or provided with grated drains so that surface effluent generated within the site/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.*
63. *A copy of the Sydney Water Trade Waste licence 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.*
64. *Hazardous waste or dangerous goods shall not be stored or processed on the site, without the prior approval from the relevant and appropriate regulatory authority.*
65. *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:*
- a. *list of chemicals and maximum quantities to be stored at the site;*
 - b. *identification of potentially hazardous situations;*
 - c. *procedure for incident reporting;*
 - d. *details of spill stations and signage;*
 - e. *containment and clean-up facilities and procedures; and*
 - f. *the roles of all staff in the Plan and details of staff training.*
66. *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).*

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:

67. *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 amended 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 (including the conditions on the original 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:

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

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

- 70. 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.*
- 71. 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.*
- 72. 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.*
- 73. 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.*
- 74. Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
 - a. appoint a Principal Certifying Authority for the building work, and*
 - b. 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*
 - c. 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*
 - d. give at least two days notice to the Council, in writing, of the person's intention to commence building works.*
- 75. 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.

76. *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).*
77. *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.*
78. *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.*
79. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
 - a. *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)*
 - b. *name, address and telephone number of the Principal Certifying Authority,*
 - c. *a statement stating that "unauthorised entry to the work site is prohibited".*
80. *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.*
81. *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.*
82. *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.*
83. *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.*
84. *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.*
85. *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):*

- a. *has been informed in writing of the licensee's name and contractor number; and*
 - b. *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*
86. *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:*
- a. *has been informed of the person's name and owner-builder permit number, or*
 - b. *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.*
87. *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:

- 88. *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.*
- 89. *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:

- 90. *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.*
- 91. *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.*
- 92. *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.*
- 93. *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.

94. *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:*
 - a. *preserve and protect the building /s on the adjoining land from damage; and*
 - b. *if necessary, underpin and support the building and excavation in an approved manner; and*
 - c. *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.*
95. *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.*
96. *All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*
97. *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.*
98. *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.*
99. *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.*
100. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
101. *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.*

102. *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.*
103. *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.*
104. *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.*
105. *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:*
- a. location and construction of protective fencing / hoardings to the perimeter of the site;*
 - b. location of site storage areas/sheds/equipment;*
 - c. location of building materials for construction;*
 - d. provisions for public safety;*
 - e. dust control measures;*
 - f. site access location and construction*
 - g. details of methods of disposal of demolition materials;*
 - h. protective measures for tree preservation;*
 - i. provisions for temporary sanitary facilities;*
 - j. location and size of waste containers/bulk bins;*
 - k. details of proposed sediment and erosion control measures;*
 - l. construction noise and vibration management.*
106. *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.*
107. *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*
108. *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.*

109. *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.*
110. *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.*
111. *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.*
112. *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.*
113. *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.*
114. *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.*
115. *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.*
116. *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.*
117. *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.*
118. *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.*
119. *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.*
120. *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.*
121. *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.*
122. *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.

123. *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:-*

- a. Install or erect any site fencing, hoardings or site structures*
- b. Operate a crane or hoist goods or materials over a footpath or road*
- c. 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:

124. *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.*

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).*

A2. *In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:*

- | | |
|--------------------------------|---|
| <i>a. Part B1</i> | <i>- Structural provisions</i> |
| <i>b. Part C1</i> | <i>- Fire resistance and stability</i> |
| <i>c. Part C3</i> | <i>- Protection of openings</i> |
| <i>d. Clause C3.2&C3.4</i> | <i>- Protection of openings in external walls</i> |
| <i>e. Part D3</i> | <i>- Access for people with disabilities</i> |
| <i>f. Clause D3.5</i> | <i>- Car parking for people with disabilities</i> |
| <i>g. Part E1</i> | <i>- Fire fighting equipment</i> |
| <i>h. Part E2</i> | <i>- Smoke Hazard Management</i> |
| <i>i. Part E4</i> | <i>- Emergency lighting, signs, warning systems</i> |
| <i>j. Part F2</i> | <i>- Sanitary and other facilities</i> |
| <i>k. Section J</i> | <i>- Energy efficiency</i> |

A3. *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.*

A4. *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.*

A5. *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.*

- A6. *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.*
- A7. *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/Matson) CARRIED – SEE RESOLUTION.

8.4 DIRECTOR, CITY PLANNING REPORT 18/2007 - BARDON PARK, 71R MOUNT STREET & CNR BREAM STREET, COOGEE. (DA/148/2007 & PROP042882)

75 **RESOLUTION: (Daley/Andrews) 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 148/2007 for development comprising the excavation to create a suitable base for three (3) light poles; the installation of three (3) 18 metre high light towers; excavation and trench digging as required to supply electrical infrastructure to the light towers; to facilitate the use of the sports field for organised youth sports training sessions until 7.30pm, on Tuesdays and Thursdays at Bardon Park, corner of Bream Street and Mount Street, Coogee, Randwick.*

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:-

1. *The development must be implemented substantially in accordance with the plans numbered 5279 A-001, revision B and stamped as received by Council on 26 February 2007, the application form and supporting information received with the application including the "Lighting Assessment and Design" report dated 23 November 2006 by Light Studio 21 Pty Ltd and photomontage stamped as received by Council on 22 February 2007.*
2. *A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting and AS/NZS 2560.2.3 Lighting for Football (all codes) prior to the commencement of the use of the sports fields for training sessions. No light spill is to protrude beyond the western boundary of the reserve.*
3. *The light towers must only be operated on Tuesday and Thursday between 4:30pm and 8:00pm.*
4. *Until such time as a specific plan of management for Bardon Park is prepared in accordance with the provisions of the Local Government Act 1993 the following conditions shall apply to the proposal:*
 - *The light poles must not protrude above the level of the adjacent bank of trees, with a maximum height permissible of 18 metres.*
 - *The proposed light towers must be turned on and off centrally or automatically, not by any user.*
 - *No line markings or goal posts are to be installed.*
 - *The approval for use is limited to the following age groups:*

- i) Under 6, 7 and 8 years of age – between 4:30pm and 6:00pm
 - ii) Under 9, 10, 11 and 12 years of age – between 6:00pm and 7:30pm
- The use of the park for football training must be ceased by 7:30pm on Tuesday and Thursday.
 - A maximum of 21 players with 2 supervisors be allowed to use the park for football training between 4:30pm and 7:30pm on Tuesday and Thursday.
 - No change rooms, toilet facilities or other temporary/permanent structures are to be placed within the park.
 - The impact of the use on the physical condition of the reserve and the impact on the surrounding neighbourhood are to be monitored and reported to Council 12 months after the commencement of the use.
 - Traffic and parking impacts are to be monitored by Council's Officers, for a period of 12 months after commencement of the use, and reported to Council.
 - A separate application is required to be submitted to and approved by the Council for any proposed changes to the pattern or intensity of use of the park.

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

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

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

6. All new work must be carried out in accordance with the provisions of the **Building Code of Australia (BCA)**, in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.
7. **Prior to the commencement of any works**, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
8. **Prior to the commencement of any works**, the person having the benefit of the development consent must: -
 - i) appoint a Principal Certifying Authority for the work, and
 - ii) appoint a principal contractor for the 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 works.
9. The 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 inspections carried out and details of compliance with Council's consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

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

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

11. An **Occupation Certificate** must be obtained from the Principal Certifying Authority encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

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

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

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

14. *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 contractors for assessment.*
15. *All excavations and backfilling associated with the erection of the light towers 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.*
16. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all 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 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.

17. *Noise and vibration emissions during the construction of the light towers 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.*
18. *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.

19. *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.

20. *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 work site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Temporary fences or 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 site 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.

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

22. *A Certificate 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 the issuing of occupation certificate**, which certifies the structural adequacy of the light towers and that the works complies with the relevant structural design requirements of the Building Code of Australia.*

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

23. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

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

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

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

service authority.

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

26. Any damage sustained to either Council's nature strip or reserve as a result of the proposed works shall be repaired by excavating to a depth of 150mm, backfilling with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Tree Management

27. Prior to the physical commencement of any works at the site, the applicant will be required to contact **Council's Landscape Development Officer on 9399-0613**, giving at least two working days notice, to arrange for a joint site inspection for the purpose of confirming the most appropriate location for the two most northern poles, in order to minimize any impact on both the canopy and root systems of the existing trees along the eastern side of the reserve.
28. The most northern pole and associated footings shall be installed a minimum distance of 5 metres and a maximum distance of 10 metres from the existing footpath. Any adjustments within this range shall not result in the pole being moved further north than the proposed location.
29. Approval is granted for the selective and minimal pruning of those trees along the eastern side of the reserve in order to avoid damage/conflict from the proposed poles, lights and associated site machinery during the course of the works. The level of pruning required shall be determined by Council's Landscape Development Officer during the joint site inspection.
30. All pruning shall be undertaken by Council or Council's nominated contractor (and only in the presence of Council's Landscape Development Officer), to the requirements of Australian Standard 4373-1996 'Pruning of Amenity Trees'.

Tree Protection Measures

31. In order to ensure the retention of the stand of existing mature trees along the length of the eastern side of the reserve, consisting mainly of *Eucalyptus saligna* (Sydney Blue Gums) in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the construction certificate application will be required to detail, to the satisfaction of the certifying authority, the location from which power will be sourced, together with the requirement that the main trench servicing the project will run in a north-south direction, at a minimum distance of 8 metres to the west of the outside edge of the trunks of all of these trees, with individual returns provided back to the east to service each of the three individual poles.
 - b. Any excavations required for footings or trenching for power within 5 metres of the outside edge of the trunks of any of the trees located along the eastern side of the reserve shall be initially undertaken by hand, to a minimum depth of 600mm and a minimum width of 200mm, in order to identify the size and location of any roots in the affected areas.
 - c. Prior to the cutting of any roots, construction of footings or laying of cables within the distances specific in point b above, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least

two working days notice, to arrange for a joint site inspection of these trenches for the purpose of identifying any significant roots.

- d. The applicant will be required to comply with the verbal instructions issued by Council's Landscape Development Officer relating to any roots encountered, with generally any roots having a diameter of 50mm or less to be cut cleanly by hand, and those having a diameter greater than 50mm to be preserved by re-directing the proposed trenches and or footings around them, with these affected areas to be backfilled as soon as practically possible.*
- e. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of any of these trees, with all documentation submitted for the construction certificate to demonstrate compliance with this requirement.*

Advisory Conditions

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: (Daley/Andrews) CARRIED – SEE RESOLUTION.

A division was called for by Councillors Daley and Sullivan. Voting was as follows: -

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

AMENDMENT: (Matson/Hughes) that this matter be deferred until further consideration has been given to the use of Grant Reserve as a possible option. **LOST.**

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

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

8.5 DIRECTOR, CITY PLANNING REPORT 19/2007 - 155-157 ARDEN STREET, COOGEE. (DA/611/2006 & PROP017326 & 333)

(Note: A rescission motion on this item was submitted to the General Manager in accordance with Council's Code of Meeting Practice.)

(Note: Cr Sullivan left the chamber during debate on this item, taking no part in discussion of and voting thereon.)

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

- A. *Council support the objection under State Environmental Planning Policy No. 1 in respect to non-compliances with Clauses 32(1) and 33(4) of the Randwick Local Environmental Plan 1998 (relating to maximum floor space ratio and wall height) on the grounds that the proposed development complies with the objectives of the Clause and will not adversely affect the amenity of the surrounding locality, and that Department of Planning be advised accordingly.*
- B. *Council as the responsible authority grant its development consent as a "Deferred Commencement" under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 611/2006 for demolition of the existing dwellings and construction of a three storey multi-unit development comprising 11 dwelling and a semi-basement level car parking for 18 vehicles at 155-157 Arden Street, Coogee, subject to the following conditions: -*

Deferred Commencement Conditions:

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

1. *The proposed one bedroom dwelling (Dwelling No. 11) at the top level of eastern section of the building and the associated curved roof shall be deleted to comply with the external wall height standard under Clause 33(4) of the RLEP and to ensure the bulk and scale of the development are in sympathy with the scenic qualities and topography of the foreshore area and to improve the amenity of the adjoining properties.*
2. *Details of the proposed design, colours, materials and finishes to the proposed sandstone retaining wall to Arden Street, pedestrian bridge and associated balustrades.*
3. *Details of all proposed fencing on site boundaries.*
4. *Details of the proposed colours, materials and finishes of the external surfaces to the building (i.e. a schedule and brochure/s or sample board).*
5. *The sill height of the windows on the southern elevation of Dwelling Nos. 6 and 8 are to be fixed and provided with obscured glazing below 1.5m above floor level or alternatively, the windows are to be provided with fixed louvres to minimise privacy impacts on southern adjoining property at No. 159 Arden Street.*
6. *A privacy screen having a minimum height of 1.5m, measured from the finished terrace level, is to be provided to the southern side of the terrace area for Dwelling 4 and the screen shall be constructed of obscured glazing to minimise overlooking impact on southern adjoining property at No. 159 Arden Street.*
7. *Privacy screens are to be provided to the northern and southern sides of the balconies for Dwelling Nos. 3, 4, 5, 7, 8 and 9 to minimise overlooking into the living areas and private open spaces of the adjoining and nearby properties to the north and south.*

8. *The storage room at the semi-basement level shall be reconfigured to provide a total of 10 separate storage spaces. Evidence of compliance with the minimum storage area per dwelling under Part 5.3 Storage of Development Control Plan for Multi-Unit Housing is to be submitted to Council.*
9. *The bicycle storage area shall be suitably sized to accommodate 5 bicycles.*
10. *Details of the proposed levels, grades and siting of the proposed right-of-way, its impact on the useability of the communal open space area, and an arborist report assessing the likely impact of the right-of-way on the Swamp Mahogany and Norfolk Island Hibiscus trees. The proposed right-of-way shall not reduce the minimum landscaped area of the proposed development to less than 50% of the site area in accordance with clause 31 of RLEP 1998.*

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

Development Consent Conditions

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

Referenced Plans:

1. *The development must be implemented substantially in accordance with the following amended plans:*
 - *numbered 013, Issue A, dated 12 November 2006 and received by Council on 13 November 2006,*
 - *numbered 030, Issue F, dated 28 November 2006 and received by Council on 28 November 2006,*
 - *numbered 031, Issue E, dated 7 November 2006 and received by Council on 13 November 2006,*
 - *numbered 032, 040 and 052, Issue D, dated 5 November 2006 and received by Council on 13 November 2006,*
 - *numbered 033 and 034, Issue C, dated 14 October 2006 and received by Council on 16 October 2006,*
 - *numbered 041, Issue D, dated 23 November 2006 and received by Council on 28 November 2006,*
 - *numbered 042, Issue C, dated 28 November 2006 and received by Council on 28 November 2006,*
 - *numbered 050 and 051, Issue C, dated 14 October 2006 and received by Council on 16 October 2006,*

the application form and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and the following conditions 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. *A separate development application is required to be submitted to and approved by the Council for any proposed works to facilitate access to the adjoining property at No. 159 Arden Street, Coogee.*
3. *Subject to compliance with Deferred Commencement Condition No. 10, a Right of Way over 155-157 Arden Street in favour of Units 1 to 5 inclusive of SP 77817, (159 Arden Street, Coogee), shall be created prior to the issuing of an Occupation*

Certificate. All costs associated with the survey and registration of the Right of Way are to be met by the owner of the subject site at 155-157 Arden Street, Coogee.

The terms of the right of way shall include the following:

- o The right of way shall not become operational until such time as approved carspaces have been constructed within 159 Arden Street, such carspaces being attached to Units 1 to 5 inclusive of SP 77817.*
 - o The name of the person empowered to release, vary or modify the terms of the Right of Way – Randwick City Council.*
- 4. 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.*
 - 5. 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.*
 - 6. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

- 7. Power supply and telecommunications cabling to the development shall be underground.*
- 8. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
- 9. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of City Planning, **prior to the commencement of works.***
- 10. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

- 11. 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.*
- 12. 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.*
- 13. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate and an occupation certificate**, respectively.*
- 14. Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of Planning has been obtained beforehand.*

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

15. 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 | \$11,867.17 |
| b) for the provision or improvement of community facilities | \$5,246.98 |
| 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:

16. The consolidation of the separate lots into a single lot must take place, prior to the use or the occupation of the development. Details of the consolidation of lots are to be provided to Council prior to occupation of the development.
17. A separate Development Application is required to be submitted to and approved by Council with regard to the strata subdivision of the building.

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

18. 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.
19. 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.

20. 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)

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

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

23. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

24. *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.

25. *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.*

26. ***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.

27. ***Prior to the commencement of any building works***, the person having the benefit of the development consent must: -

- i) *appoint a Principal Certifying Authority for the building work, and*
- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*

- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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

28. *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.

29. *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".*

30. *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.

31. **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.

32. *In accordance with clause 98 of the Environmental Planning & 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.*

33. *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.

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

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

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

35. 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.

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

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

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

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

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

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

a) all of the premises adjoining the subject site.

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

39. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

40. 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:

41. *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.

42. *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.*

43. *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.

44. *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.*

45. *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.

46. *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.*
47. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.*

Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the PCA and Council.

48. *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.*
49. *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.*
50. *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.

51. *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.

52. *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.

53. *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.*

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 site 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.

55. *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.*

56. *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.*

57. *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.

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.

Temporary fences or 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.

58. *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 maintain reasonable levels of public health, amenity and safety:

59. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), 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.*

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.

60. *A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.*

The Work Plan must include the following information (as applicable):

- *The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor*
- *Details of hazardous materials, including asbestos*
- *Method/s of demolition and removal of asbestos*
- *Measures and processes to be implemented to ensure the health & safety of workers and community*
- *Measures to be implemented to minimise any airborne asbestos and dust*

- *Methods and location of disposal of any asbestos or other hazardous materials*
- *Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey*
- *Date the demolition and removal of asbestos will commence*

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note *it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

61. *A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*
62. *On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.*
63. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*

Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

Security Deposit Conditions

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

64. *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 retaining wall, 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) *\$100,000.00 - Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of cash, cheque or bank guarantee and is refundable upon:

- *A satisfactory inspection by Council (upon completion of all works on the site) that no damage has occurred to the Council assets; and*
- *Completion of the civil works (as conditioned in this development consent) by a Council approved contractor.*

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 parking to the development:

65. *Traffic directional arrows are to be marked in permanent materials on the floor of each parking level.*
66. *Signs indicating 8 kilometres per hour speed limit are to be provided on the car parking levels and at the carpark entry.*
67. *A "STOP" sign is to be provided at the exit point of the exit driveway.*
68. *All vehicles must enter and exit the site in a forward direction.*
69. *All costs of traffic management measures associated with the development are to be borne by the developer.*
70. *The residential car spaces are to be suitably and securely separated from the visitor spaces.*
71. *A sign legible from the street must be permanently displayed to indicate that visitor parking is available on the site and these parking spaces must be clearly marked and accessible at all times.*
72. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
73. *Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*

Traffic Conditions/Civil Works Conditions

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

74. *The applicant shall meet the full cost for a Council approval contractor to:*
 - a. *Reconstruct the existing sandstone retaining wall in Arden Street in general accordance with the submitted drawing 'Sandstone wall re-instatement diagram', Sheet 013 (issue A) dated 12/11/2006. The new wall shall be constructed:*
 - i. *From the northern side of the vehicular crossing to the end of the retaining wall at the Arcadia Street intersection;*
 - ii. *From the southern side of the vehicular crossing to a point determined by a suitably qualified structural engineer but not less than 5 metres south of the southern property boundary. This shall include construction of a new set of stairs immediately to the south of the crossing; and*
 - iii. *Along both sides of the new driveway access.*

Notes:

- *The alignment of the retaining wall to the north of the new crossing shall be set back from the existing alignment to facilitate suitable sight lines for vehicles exiting the site.*
- *Concrete secant piling or similar (for the new retaining wall) shall be installed behind the existing wall prior to any wall demolition works.*

- *The new retaining wall shall be constructed with a sandstone blockwork face.*
- b. *Reconstruct the existing concrete footpath located along the full length of the new retaining wall. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - c. *Construct a new pedestrian footbridge over the vehicular access along the alignment of the existing footpath.*
 - d. *Install stainless steel guard rails adjacent to the new retaining wall, stairs, footbridge, and at any other potentially dangerous locations.*
 - e. *Construct a new concrete heavy duty vehicular crossing opposite the proposed vehicular access to the site.*
 - f. *Construct a 1 metre wide median island (with appropriate line-marking and signposting) in Arden Street to the satisfaction of the Randwick Traffic Committee.*
 - g. *Construct concrete kerb and gutter (with associated road works) for the length of the new retaining wall except opposite the vehicular crossing. The alignment of the new kerb shall be approved by Council's Transport Management Group prior to the commencement of work.*
 - h. *Construct a minimum 600mm wide concrete footpath between the retaining wall and new kerb and gutter for the full length of the new retaining wall to the north of the proposed vehicular crossing.*
 - i. *Provide new line marking in Arden Street (for the length of the new retaining wall) to the satisfaction of the Randwick Traffic Committee.*
75. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
76. *In accordance with the requirements of the Roads Act 1993, a separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve. Detailed plans and specifications of the proposed works (including inspection and test plans) are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.*
- All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.*
- Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.*
77. *The civil works shall be designed by a suitably qualified structural engineer who shall supervise all works and certify on completion that they have been constructed in accordance with their design. The new retaining walls shall be structurally independent of the proposed footpath bridge.*
78. *The applicant's consulting structural (and/or geotechnical) engineer shall inspect and monitor the condition of the retaining wall throughout all excavation and*

construction works to ensure that the wall does not suffer any damage.

79. *All works on the 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 the works.*

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 when such person is using or working within the Arden Street road reserve in the area adjacent to the subject works.*
 - 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.*
80. *Prior to erecting any scaffolding/formwork within Council's road reserve, the applicant shall obtain a hoarding permit. The applicant is advised to Contact Council's Building Certification Unit (9399 0944) regarding this matter.*
81. *Safe pedestrian access shall be maintained along Arden Street at all times.*
82. *Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Transport Management Group a detailed traffic management plan. The plan shall demonstrate:*
- d. *How construction and delivery vehicles will access the development site during the demolition and construction phase of the development;*
 - e. *How traffic flows (including all STA bus operations) on Arden Street will be managed during demolition of the old retaining wall and construction of the new wall; and*
 - f. *How pedestrian traffic in Arden Street will be managed during construction.*

Note: Generic traffic control plans for lane occupancies or roads closures will not be accepted. Separate application will need to be made for approval of any traffic control plans.

83. *Prior to an occupation certificate being issued for the development, a positive covenant under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-*
- i) *The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the pedestrian footbridge (including supporting elements) located over the vehicular entrance to the site in Arden Street and the portion of the new retaining wall immediately adjacent to the new crossing;*
 - ii) *The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims sustained as a result of the pedestrian footbridge*

(including supporting elements) and the portion of the retaining wall immediately adjacent to the crossing;

- iii) *The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the pedestrian footbridge (including supporting elements) and the portion of the retaining wall immediately adjacent to the new crossing. 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 the pedestrian footbridge or the area beneath the footbridge.*
- b. *The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened 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 delivered by the registered proprietors of the Lot(s) burdened to the Council.*
- iv) *The registered proprietors of the Lot(s) burdened to ensure that no new structures are erected, nor goods stored, nor any work carried out in, on or over the public footway other than those approved by Council.*
- v) *The positive covenant not be released, varied or modified without the consent of the Council.*

The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.

84. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council a bond or unconditional bank guarantee for \$60,000 as a security deposit to ensure the stability and structural integrity of the retaining wall in the vicinity of the subject development site for a period of 12 months from the date of issue of an occupation certificate.*
85. *A Works Zone is to be provided in Arden Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*
86. *The garage door shall be set back 5 metres from the property boundary to ensure that vehicles queue within the site.*
87. *The access driveway ramps and internal carpark layout shall comply with the requirements of AS 2890.1 (2004). The plans submitted for the construction certificate shall demonstrate compliance with this requirement*

Alignment Level Conditions

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

88. *The Council's Asset's Coordinator and Development Engineer have inspected the above site and determined that the design alignment levels (concrete/paved/tiled level) at the property boundary shall:*

- *Grade linearly between RL 26.97 (AHD) on the northern side of the driveway and RL 26.76 (AHD) on the southern side of the driveway.*

Further, a high point shall be provided in the driveway to RL 27.11 (AHD) on the northern side of the driveway and RL 26.88 (AHD) on the southern side of the driveway (as detailed on the submitted Level 1 Plan, Sheet 031 (Issue E), by Buzacott Webber, dated 07.11.06).

89. *The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.*

90. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$880 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.*

Service Authority Conditions

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

91. *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.*

92. *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 to facilitate the proposed development and associated civil works. The applicant must make the necessary arrangements with the service authority.*

Note: The applicant shall liaise directly with Sydney Water in regard to building over the existing sewer line.

93. *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.*

94. *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.*

95. *The applicant shall meet the full cost for the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issue of an occupation certificate for the development.*

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

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

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

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

Drainage Conditions

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

97. *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.

98. 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.

99. As the subject development site falls away from Arden Street, all site stormwater must be discharged either:

- 1. To council's street drainage system in Beach Street by gravity via a private drainage easement through an adjoining private property (or properties); OR*
- 2. To an infiltration system designed in accordance with Council's requirements (subject to a satisfactory Geotechnical Engineers report).*

Should the applicant demonstrate that all reasonable attempts to procure a private drainage easement/s have failed, and the ground conditions preclude the use of infiltration, a pump system may be permitted. The pump system must be designed with a minimum of two pumps being installed, connected in parallel 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.

100. The rate of discharge from the site to Council's kerb and gutter must not exceed 25 litres/second during the 1 in 20 year storm event.

101. 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.

102. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

103. 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.

104. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bay must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bay may be located within a visitor parking space provided it is signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - d) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
 - e) *A water tap shall be located adjacent to the car washing bay.*
105. *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).*
106. *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.*
107. *Should significant flows of seepage water be encountered within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.*

Notes: -

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water seepage water through the development site).

Waste Management Conditions

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

- 108. The waste storage area shall be sized to contain a total of 10 x 240 litre bins (5 garbage bins & 5 recycle bins) whilst providing satisfactory access to these bins.
- 109. 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.
- 110. The waste storage areas shall be clearly signposted.
- 111. The door to the storage area and garbage room within the basement carpark immediately to the north or the vehicular entrance shall be moved approximately 0.5 metres north so that it is clear of the driveway ramp. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
- 112. 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.

Landscape Conditions

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

- 113. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Environmental Partnership, drawing number DA02, Issue 2, dated November 2006, and stamped received at Council 20th November 2006, subject to the following additional details/amendments being shown on an amended plan, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:
 - i. The location and quantities of all proposed planting and existing trees to be retained or removed.
 - ii. For the purpose of providing partial privacy and screening, as well as to maintain reasonable levels of environmental amenity between this site and adjoining properties, the following shall be provided:
 - i) A minimum number of 10 x 75 litre (pot size at the time of planting), evergreen native tree species along the length of the northern boundary, using those species which will attain a minimum height at maturity of 6-8 metres;

- ii) *A minimum number of 3 x 75 litre (pot size at the time of planting) broad canopied, evergreen native tree species along the length of the eastern boundary using those species which will attain a minimum height of 10 metres at maturity;*
 - iii) *A minimum number of 2 x 75 litre (pot size at the time of planting), evergreen native tree species along the length of the southern boundary, using those species which will attain a minimum height at maturity of 6-8 metres*
- iii. *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.*

Note: 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.

- iv. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
114. *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 which require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
115. *The landscaping shall be installed in accordance with the approved landscape documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
116. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and Council, if Council is not the PCA) prior to the issuing of a final occupation certificate, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*
117. *To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. The applicant will be required to demonstrate, to the satisfaction of the certifying authority, that the system has been connected to the site's rainwater tanks, with back-up connection to the mains supply, to all current Sydney Water requirements, and relevant Australian Standards.*
118. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
119. *Any detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

Tree Management

120. *The applicant shall submit a total payment of \$680.00 (no GST) to Council, being to*
- a. *Compensate for the loss of amenity caused by removal of the two Banksia serrata (Saw Toothed Banksia's) on Council's Arden Street nature strip which need to be removed to accommodate the proposed vehicle entry and associated pedestrian stairs and paths in the location shown (replacement plantings will not be possible upon completion due to a lack of available space in this area).*

*The contribution shall be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre prior to a construction certificate being issued for the development.*

121. *The following specimens shall be removed from the site to facilitate the proposed works (Note: Replacement planting must be installed in accordance with the landscape plan approved by the certifying authority):*
- a. *One Eucalyptus ficifolia (Flowering Gum) in the front yard of 155 Arden Street, near the southwest corner of the existing dwelling due to poor form as well as to accommodate construction as shown,*
 - b. *Two Eucalyptus robusta (Swamp Mahogany's) in the rear yard of 155 Arden Street, near the northeast corner of the existing dwelling, due to poor form, inappropriate siting close to the existing dwelling and to accommodate construction as shown,*
 - c. *Two Howea fosteriana (Kentia Palms) along the eastern edge of the existing dwelling at 155 Arden Street, to accommodate the proposed works as shown,*
 - d. *One Howea fosteriana (Kentia Palm), one Washington robusta (Washington Palm) and another Archontophoenix cunninghamiana (Bangalow Palm) in the rear yard of 155 Arden Street, along the northern boundary, to allow for the provision of replacement screen planting in this area, as well as to accommodate the proposed works as shown,*
 - e. *The dead Metrosideros excelsa (NZ Xmas Tree) and Phoenix canariensis (Canary Island Date Palm) in the rear yard of 155 Arden Street, about halfway along the southern boundary,*
 - f. *One Eucalyptus robusta (Swamp Mahogany), one Howea fosteriana (Kentia Palm) and one Archontophoenix cunninghamiana (Bangalow Palm) in the rear yard of 157 Arden Street, along the eastern edge of the existing dwelling to accommodate the proposed works in the location shown,*
 - g. *One Archontophoenix cunninghamiana (Bangalow Palm), and one Eucalyptus robusta (Swamp Mahogany) in the rear yard of 157 Arden Street, along the southern boundary due to poor form as well as to accommodate the proposed works and replacement planting as shown,*
 - h. *One Eucalyptus robusta (Swamp Mahogany) in the rear yard of 157 Arden Street, near the southeast corner due to poor form and habit, as well as to accommodate the proposed works in the location shown,*
 - i. *Any Syagrus romanzoffianum (Cocos Palms) throughout the site, as this species is no longer covered by Council's revised Tree Preservation Order.*

Tree Protection Measures

122. *In order to ensure the retention of the Araucaria heterophylla (Norfolk Island Pine) in the rear yard of 155 Arden Street, in the northeast corner in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this*

specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.

- b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3.5 metres from the outside edge of its trunk.*
- c. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 5.0 metres of the outside edge of the tree trunk shall be initially performed by hand, under the direction of, and to the satisfaction of, a suitably qualified Arborist with any roots encountered to be cut cleanly by hand.*
- d. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which is to be located a minimum distance of 3.5 metres off the western side of its trunk, and a minimum distance of 4 metres off the southern side of its trunk, matching up with the northern and eastern boundaries respectively, to completely enclose this tree.*

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

- e. The erection of signage on the fence containing the following words: "TREE PROTECTION ZONE", "DO NOT ENTER".*
 - f. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.*
 - g. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- 123. In order to ensure the retention of the Archontophoenix cunninghamiana (Bangalow Palm) located in the rear yard of 155 Arden Street, to the northwest of the Norfolk Island Pine, as well as the Eucalyptus robusta (Swamp Mahogany) and Lagunaria patersonii (Norfolk Island Hibiscus) in the rear yard of 157 Arden Street, along the eastern boundary in good health, the following measures are to be undertaken:*

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of these specimens, with the position of their trunks and full diameter of their canopies/crowns clearly shown on all drawings.*
- b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 3 metres from the outside edge of the Swamp Mahogany and Norfolk Island Hibiscus, and a distance of 1 metre from the Bangalow Palm.*
- c. The tree are to be physically protected by the installation of 1.8 metre*

high steel mesh/chainwire fencing which shall be installed a minimum distance of 2.5 metres from the outside of their trunks to completely enclose the trees.

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

- d. The erection of signage on the fence clearly displaying the words: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- e. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.*
- f. Any excavations required for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 4 metres of the trunks of the Swamp Mahogany and Norfolk Island Hibiscus, and a distance of 1.5 metres from the Bangalow Palm shall be initially performed by hand, under the direction of, and to the satisfaction of, the site Arborist with any roots encountered to be cut cleanly by hand.*

- 124. Prior to the physical commencement of any work at the site, the certifying authority will be required to confirm that the applicant has engaged a professional and qualified Arborist (the site Arborist) who holds the minimum qualification of Certificate 4 in Arboriculture, and is also a registered member of a nationally recognized organisation.*

The site Arborist will be required to be present on site for any of those components of the proposed works which have the potential to impact those trees to be retained, with all site staff required to adhere to the recommendations of the site Arborist.

- 125. Upon physical completion of all site works, the applicant's Arborist will be required to forward written confirmation confirming compliance with the conditions of consent and any on site instructions. This certification shall be to the satisfaction of the certifying authority (with a copy to be forwarded to Council if Council is not the certifier), prior to the issue of a final occupation certificate.*

- 126. Permission is granted for only the selective and minimal pruning of those lower growing branches from the western side of the Araucaria heterophylla (Norfolk Island Pine) located in the rear yard of 155 Arden Street, in the northeast corner, which need to be pruned back to the trunk in order to avoid conflict/damage from machinery during the course of the proposed works.*

This pruning shall not substantially alter the shape or habit of the tree, and must only be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

ADVISORY MATTERS:

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

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

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Part C2 - Compartmentation and separation*

- d) Part E1 - Fire fighting equipment
- e) Part E2 - Smoke Hazard Management
- f) Part E3 - Lift Installations
- g) Part E4 - Emergency lighting, exit signs & warning systems
- h) Part F1 - Damp and weatherproofing
- i) Part F2 - Sanitary and other facilities
- j) Part F5 - Sound Transmission and Insulation

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

You are 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 (as applicable) prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

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

MOTION: (Woodsmith/Matson) that Council, notwithstanding Council's resolutions of the 28th February, 2007 and 10th April, 2007 concerning the Arden Street Retaining Walls, resolves that a draft Local Environment Plan be immediately commenced with the intent of adding the Arden Street retaining walls to Council's Local Environment Plan (RLEP) as listed heritage items. **LOST.**

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

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

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

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

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

8.6 DIRECTOR, CITY PLANNING REPORT 20/2007 - CITIES FOR CLIMATE PROTECTION MILESTONE 3. (F2005/00324)

77 **RESOLUTION: (Andrews/Matson)** that Council:

- (a) *endorse Randwick City Council's Local Action Plan for Greenhouse Gas Reduction;*

- (b) *note that this Local Action Plan fulfils the requirement of Milestone 3 of the Cities for Climate Protection Program; and*
- (c) *the Mayor or his representative attend the Cities for Climate Protection Conference in Melbourne to receive the Milestone 3 award.*

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

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 5/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

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

1. *A residential tenant for a lease over 2/32 Belmore Road, Randwick.*
2. *A residential tenant for a lease over 129 Boyce Road, Maroubra.*
3. *Martin Papadopoulos (T/As Melonhead) in relation to a licence for the purpose of outdoor dining at 256 Coogee Bay Road, Coogee.*
4. *The Department of Lands for a licence over part of drainage reserve comprised in part R1011448 for Future Public Requirements notified 31 March 2006 located between Lots 4260 and 4261 DP 752015 in Holden Street, Maroubra, more particularly known as part 13R Hinkler Street, Maroubra.*

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

9.2 GENERAL MANAGER'S REPORT 6/2007 - DRAFT ENFORCEMENT POLICY. (F2004/06770)

79 **RESOLUTION: (Andrews/Matson)** *that Council adopt the draft Randwick City Council Enforcement Policy.*

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

9.3 GENERAL MANAGER'S REPORT 7/2007 - AUTHORITY FOR THE MAYOR TO REPRESENT COUNCIL DURING AN UPCOMING VISIT TO TURKEY - AT NO COST TO COUNCIL. (F2004/08326)

80 **RESOLUTION: (Andrews/Matson)** *that the Mayor be authorised to represent Council in his upcoming visit to Turkey, at no cost to Council, and approach the Turkish authorities to provide an Anzac Pine, plant/seedling for the Coogee Randwick RSL Club in commemoration of our Anzacs.*

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

9.4 GENERAL MANAGER'S REPORT 8/2007 - DRAFT MANAGEMENT PLAN 2007-11. (F2007/00139)

81 **RESOLUTION: (Andrews/Matson)** *that:*

- (a) *the Draft Management Plan, and attachments as outlined below, be placed on public exhibition for not less than 28 days, from 1 May 2007 to 29 May 2007, inviting submissions from the public;*
- (b) *at the conclusion of the period of public exhibition a meeting of Council is held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters, as it considers relevant, Council adopt the Management Plan; and*
- (c) *In accordance with the Code of Accounting Practice and Financial Reporting (April*

2005) Section 9.5, in respect to each broad function of council, expenses that can be reliably attributed have been allocated to that function (AAS 27 paragraph 79b).

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

10 DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 17/2007 - BOOKING/HIRING OF SPORTING FIELDS. (F2004/06051)

82 **RESOLUTION: (White/Nash) that:**

- (a) Council advise clubs and associations making seasonal bookings of its sports fields that Council will no longer accept seasonal bookings for use of sports grounds by individual clubs and that all seasonal booking requirements are to be forwarded to Council via the relevant peak body/association; and
- (b) Council phase out the use of licenses for use of sports fields as licenses expire, returning full control of fields to Council.

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

10.2 DIRECTOR, CITY SERVICES' REPORT 18/2007 - BURNIE PARK COMMUNITY CENTRE – UPGRADE. (F2004/07674)

83 **RESOLUTION: (Andrews/Matson) that the report on the Burnie Park Community Centre upgrade be received and noted.**

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

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 21/2007 - GIFTS AND BENEFITS POLICY. (F2004/08432)

84 **RESOLUTION: (Andrews/Matson) that the Gifts and Benefits Policy be adopted.**

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

12. PETITIONS.

12.1 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF RESIDENTS OPPOSING THE DEVELOPMENT AT 66A DONCASTER AVENUE, KENSINGTON. (F2006/00182 xr F2005/00172)

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

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

12.2 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF RESIDENTS SUPPORTING THE PROPOSAL TO RENAME QUARRY RESERVE AS PERIN RESERVE (F2005/00217 xr F2005/00172)

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

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

12.3 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF RESIDENTS OBJECTING TO DA/148/2007 (LIGHTING FOR BARDON PARK IN COOGEE). (DA/148/2007 xr PROP042882 xr F2005/00182)

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

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

13. MOTIONS PURSUANT TO NOTICE.

13.1 MOTION BY COUNCILLOR BELLELI – PAPER RECYCLING BINS FOR CANDIDATES AT ELECTION CAMPAIGNS. (F2004/06595 xr F2005/00171)

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

- (a) Council makes a paper recycling bin available, at no cost to Council, for disposal of paper and cardboard on conclusion of future election campaigns for local candidates;
- (b) Council contact all local candidates during election campaigns to let them know the facility is available; and
- (c) a report come back to Council detailing whether this exercise is revenue neutral or a profit making exercise for Council.

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

13.2 MOTION BY COUNCILLOR MATSON – MELBOURNE COUNCIL ZERO EMISSIONS STRATEGY. (F2006/00626 XR F2005/00171)

89 **RESOLUTION: (Matson/Woodsmith)** that the General Manager report to the Environment Committee on the usefulness of Council emulating the City of Melbourne's Zero Net Emissions by 2020 Strategy.

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

13.3 MOTION BY COUNCILLORS HUGHES, MATSON AND WOODSMITH – REQUEST UNDER CLAUSE 4 OF THE CODE OF MEETING PRACTICE FOR AN ITEM TO BE BROUGHT TO A COUNCIL MEETING. (DA/611/2006 & PROP017326 & 333 xr F2005/00171)

This motion was withdrawn with the consent of Council.

13.4 MOTION BY COUNCILLORS HUGHES, MATSON AND WOODSMITH – ARDEN STREET RETAINING WALLS. (DA/611/2006 & PROP017326 & 333 xr F2005/00171)

This motion was withdrawn with the consent of Council.

13.5 MOTION BY COUNCILLOR PROCOPIADIS – HALF ROAD CLOSURE RESOLUTION FOR LENTHALL STREET. (F2006/00084 xr F2005/00171)

90 **RESOLUTION: (Procopiadis/Hughes)** that:

- (a) in view of the support of the Kensington Precinct Committee, Council approach the Minister for Roads to request his in-principle support for the half road closure of Lenthall Street before Council proceeds and also ask the Minister and the RTA for assistance in conducting the modelling of what the traffic impact is going to be; and
- (b) subject to the above, Council proceed with the resolution (Hughes/White) of the Works Committee Meeting on 11th July, 2006 regarding the half road closure of Lenthall Street and that the General Manager initiate the half closure immediately with the commitment of the three West Ward Councillors.

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

14. CONFIDENTIAL REPORTS (CLOSED SESSION).

14.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 9/2007 - DRAFT MANAGEMENT PLAN 2007-11: CONFIDENTIAL FEES AND CHARGES 2007-08. (F2007/00139)

91 **RESOLUTION: (Andrews/Matson)** that the Draft Confidential Fees and Charges 2007-08 be noted.

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

14.2 CONFIDENTIAL DIRECTOR, CITY PLANNING REPORT 21/2007 - 169-181 DOLPHIN STREET, COOGEE - BEACH PALACE HOTEL. (F2004/08354 & PROP017163)

92 **RESOLUTION: (Andrews/Matson)** that in accordance with Section 94 of the Local Government Act 1993, Local Approval Application No. LA/852/2006, made by Mr Christopher Warhurst pursuant to Section 68 of the Local Government Act 1979, to operate premises situated at 169 -181 Dolphin Street, Coogee (known as the Beach Palace Hotel) as a place of public entertainment be **REFUSED** for the following reasons:

- a) the use of the Aquarium Bar at level 2 does not have the required development consent for any purpose other than that of a restaurant and therefore does not satisfy the provisions of clause 7 (1) (a) of the Local Government (General) Regulation 2005;
- b) the use of the Aquarium Bar at level 2 as a hotel and place of public entertainment is in contravention of the Environmental Planning & Assessment Act 1979 and therefore does not satisfy the provisions of clause 7 (1) (b) of the Local Government (General) Regulation 2005;
- c) the Aquarium Bar at level 2 is being used integral to the use and operation of the hotel at ground floor level and level 1, without the requisite development consent; and
- d) the use of the premises as a place of public entertainment, as proposed in the Local Approval application LA/852/2006, will have an adverse impact upon the environmental amenity of the area, public health, safety, convenience and is not in the public interest.

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

15. NOTICE OF RESCISSION MOTIONS.

A rescission motion on item 8.5, 155-157 Arden Street, Coogee was handed to the General Manager prior to midday on the following working day and will be considered at the Extraordinary Council meeting on 27th April, 2007.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 9.28 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22ND MAY, 2007.

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CHAIRPERSON