

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 10TH APRIL 2007 AT 6:36 PM.**

PRESENT:

The Mayor, Cr P. Tracey (Central Ward)

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs B. Notley-Smith and M. Matson (Deputy Chairperson)
West Ward	-	Crs B. Hughes, S. Nash (Chairperson) & J. Procopiadis
Central Ward	-	Crs A. Andrews & T.Seng

OFFICERS PRESENT:

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

1. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Bastic, Daley and Sullivan.

RESOLVED: (Notley-Smith/Kenny) that the apologies from Crs Bastic, Daley and Sullivan for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 10th April, 2007 be received & accepted.

2. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 13TH MARCH 2007.

H18 **RESOLUTION: (Belleli/Kenny)** that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 13th 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.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

(a) Councillor Notley-Smith declared a non pecuniary interest in items 6.5 and 6.6 as his partner is a member of the defence forces.

4. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

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

Item DEVELOPMENT APPLICATION REPORT - 23 GARRET STREET,

6.1 MAROUBRA.

For Mr Peter Moore (Applicant) - 23 Garret Street, Maroubra.

Item 6.3 DEVELOPMENT APPLICATION REPORT - 2-8 PINE AVENUE, LITTLE BAY

Against Mr Charles Abela – 1587 Anzac Parade, La Perouse.

For Mr David Haseler & Mr Mark Percy – Architects on behalf of the Applicant.

Item 6.4 DEVELOPMENT APPLICATION REPORT -1-9 PINE AVENUE, LITTLE BAY

Against Mr Charles Abela – 1587 Anzac Parade, La Perouse.

For Mr David Haseler & Mr Mark Percy – Architects on behalf of the Applicant.

Item 6.7 DEVELOPMENT APPLICATION REPORT – 155-157 ARDEN STREET, COOGEE.

Against Ms Susan Ryan – 18/166 Arden Street, Coogee.

For Mr Steven Buzacott – Architect on behalf of Applicant.

The meeting was adjourned at 7.19 p.m. and was resumed at 7.39 p.m.

5. URGENT BUSINESS.

Nil.

6. DEVELOPMENT APPLICATIONS.

6.1 DEVELOPMENT APPLICATION REPORT - 23 GARRET STREET, MAROUBRA. (DA/80/2007 & PROP036221)

H19 **RESOLUTION: (White/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 DA/80/2007 for Ground level alterations and additions to existing dwelling, construction of pergola to rear and hardstand carspace to front of dwelling at 23 Garret Street, MAROUBRA NSW 2035 subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered 2/07, dated 15/1/2007 and received by Council on 5th February 2007, 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. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*

3. *The colours, materials and finishes of the external surfaces to the building are to be sympathetic with the existing building. Sections of unpainted brick must not be painted. Details of the proposed colours, materials and textures (i.e.- a*

schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning.

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. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

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

6. *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 access, transport and infrastructure:

7. *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 condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.

8. *All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.*

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

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

9. *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.

10. *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.*
11. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
12. *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.*
13. *Prior to the commencement of any building works, the person having the benefit of the development consent must: -*
 - i) *appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

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

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

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

The principal contractor or owner-builder (as applicable) must ensure that the

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

15. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:*

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

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

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

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

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

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

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

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

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

- has been informed of the person's name and owner-builder permit number; or*

- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

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

19. *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.

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

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

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

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

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

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

21. *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.

22. *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.

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

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.

24. *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.

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

26. *Building materials, sand, soil, waste materials or construction equipment must*

not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

27. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
28. *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*
29. *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.*
30. *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.*
31. *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.*
32. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications*
33. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

Details of compliance with the requirements for insulation are to be included in the construction certificate application
34. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500*
35. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*
 - *Install or erect any site fencing, hoardings or site structures*
 - *Operate a crane or hoist goods or materials over a footpath or road*
 - *Placement of a waste skip (grater than 3m in length) or any container or other article.*

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

36. *Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a. *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.**
37. *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.*
38. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

39. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
 - ***100mm above the top of the kerb at all points opposite the kerb, along the full site frontage.****
40. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
41. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

42. *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.*
43. *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:

44. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.

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.

ADVISORY MATTERS:

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

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

6.2 DEVELOPMENT APPLICATION REPORT - 125 AND 125A BOYCE ROAD, MAROUBRA JUNCTION. (DA/1151/2003/B & PROP038946)

H20 **RESOLUTION: (White/Procopiadis) that:**

- A. Council grant approval under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. 1151/2003, at 125-125A Boyce Road, Maroubra Junction, in the following manner:

1. Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered 0345 Sheet 01C through to 08C, 9C, dated 10 November 2003 and received by Council on 22 June 2004, the application form and on any supporting information received with the application, as previously amended by the Section 96 plans numbered DA1.1-A DA1.2-A, DA1.3-B to DA1.6B dated November 2006 and received by Council on 29 November 2006 and 12 January 2007, and **as further amended by Section 96 plans numbered DA1.1-C through DA1.7c dated February 2007 and received by Council 27 February 2007**, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. Amend Condition No. 15 to read:

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 | \$43,711.50 |
| b) for the provision or improvement of community facilities | \$19,327.40 |
| c) for car parking | \$66,750.00 |

d) for townscape improvements	\$7697.70
e) 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.

3. Insert the following conditions after condition 1:

1A. *To ensure allocation of parking is in accordance with Development Control Plan – Parking, twenty-nine (29) car parking spaces must be allocated to residential units, six (6) parking spaces must be allocated for visitors to the residential units and one (1) parking spaces must be allocated to the commercial units.*

1B. *To satisfy the requirements of State Environmental Planning Policy No 65 Design Quality of Residential Flat Buildings, all glass louvres must be installed with self-cleaning glass (i.e. micro-crystalline titanium dioxide coating or similar). Specifications must be submitted with the Construction Certificate application.*

MOTION: (Andrews/Mayor, Cr. P. Tracey) that Council refuse the application under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. 1151/2003, at 125-125A Boyce Road, Maroubra Junction for the following reasons: -

1. the proposed increased height is in excess of the maximum requirements of the statutory standard set by clause 42(d) of the LEP;
2. the proposal will adversely impact the amenity of units to level 6 of the adjoining development to the west in terms of privacy, overshadowing and views;
3. the design, aesthetic appearance, bulk, scale and form of the proposal are not consistent with the objectives of the Maroubra Junction Town Centre and the objectives of the 3a business zone under the Randwick LEP 1998;
4. the proposal is not a good design in regards to the design quality principles contained in the State Environmental Plan 65 – Design Quality of Residential Flat Developments;
5. the proposed development is unacceptable in relation to the objectives, performance criteria, development controls and design controls contained within the Maroubra Junction Town Centre DCP;
6. the provision of onsite parking is inadequate to meet the relevant standards, proposed users and demand generated by the proposal. **LOST.**

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

Councillor Andrews requested that his name be recorded as opposed to the resolution.

6.3 DEVELOPMENT APPLICATION REPORT - 2-8 PINE AVENUE, LITTLE BAY. (DA/616/2006 & PROP051704)

H21 **RESOLUTION: (Belleli/Andrews) that:**

A. Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/616/2006 for the erection of a five storey mixed commercial/retail and residential development comprising of 53 dwellings and basement car parking for 97 vehicles and strata subdivision at 2-8 Pine Avenue, Little Bay, for the following reasons: -

1. The proposed development does not comply with Clause 30A (2) of the Randwick Local Environmental Plan 1998 which prescribes the maximum floor space ratio standard, and the SEPP No.1 Objection submitted in relation to this standard is not well founded as the increase in FSR over the standard results a visually intrusive, high and bulky building that would have a detrimental impact on the streetscape, adjoining and surrounding heritage items, and the subject site's coastal and heritage setting contrary to the Prince Henry Masterplan.
2. The proposed development does not comply with Clause 30A (4) of the Randwick Local Environmental Plan 1998 which prescribes maximum building, wall and storey height standards, and the SEPP No.1 Objection submitted in relation to these standards is not well founded as the increase in building height will result in a visually intrusive, high and bulky building that would have a detrimental impact on the streetscape, adjoining and surrounding heritage items, and the subject site's coastal and heritage setting contrary to the Prince Henry Masterplan.
3. The proposed height, bulk, scale and form of the proposed development is unsuitable for the subject site in that it detracts from the heritage significance of adjoining and surrounding heritage items and the overall Prince Henry Heritage Conservation Area as identified in the Prince Henry Master Plan and Conservation Management Plan.
4. The proposed development does not meet the objectives, and performance criteria/controls contained in Clause 7.2 – Precinct P2 of the Development Control Plan – Prince Henry Site as the proposal fails to comply with the setback and minimum soft landscape area requirements of the DCP.
5. Approval of the proposal would not be in the public interest and would set an undesirable precedent because it will result in an excessively high, bulky and intrusive development that will detract from the visual character of the locality, the heritage significance of adjoining and surrounding heritage items and the Prince Henry Heritage Conservation Area.

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

**6.4 DEVELOPMENT APPLICATION REPORT - 1-9 PINE AVENUE, LITTLE BAY.
(DA/615/2006 & PROP051806)**

H22 **RESOLUTION: (Belleli/Andrews) that:**

- A. THAT Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/615/2006 for the erection of a five storey mixed commercial/retail and residential development comprising of 74 dwellings and basement car parking for 124 vehicles and strata subdivision at 1-9 Pine Avenue, Little Bay, for the following reasons: -
1. The proposed development does not comply with Clause 30A (2) of the Randwick Local Environmental Plan 1998 which prescribes the maximum floor space ratio standard, and the SEPP No.1 Objection submitted in relation to this standard is not well founded as the increase in FSR over the standard results a visually intrusive, high and bulky building that would have a detrimental impact on the streetscape,

adjoining and surrounding heritage items, and the subject site's coastal and heritage setting contrary to the Prince Henry Masterplan.

2. *The proposed development does not comply with Clause 30A (4) of the Randwick Local Environmental Plan 1998 which prescribes maximum building, wall and storey height standards, and the SEPP No.1 Objection submitted in relation to these standards is not well founded as the increase in building height will result in a visually intrusive, high and bulky building that would have a detrimental impact on the streetscape, adjoining and surrounding heritage items, and the subject site's coastal and heritage setting contrary to the Prince Henry Masterplan.*
3. *The proposed height, bulk, scale and form of the proposed development is unsuitable for the subject site in that it detracts from the heritage significance of adjoining and surrounding heritage items and the overall Prince Henry Heritage Conservation Area as identified in the Prince Henry Master Plan and Conservation Management Plan.*
4. *The proposed development does not meet the objectives, and performance criteria/controls contained in Clause 7.2 – Precinct P2 of the Development Control Plan – Prince Henry Site as the proposal fails to comply with the setback and minimum soft landscape area requirements of the DCP.*
5. *Approval of the proposal would not be in the public interest and would set an undesirable precedent because it will result in an excessively high, bulky and intrusive development that will detract from the visual character of the locality, the heritage significance of adjoining and surrounding heritage items and the Prince Henry Heritage Conservation Area.*

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

6.5 DEVELOPMENT APPLICATION REPORT - 33-99 BUNDOCK STREET, RANDWICK – 2002. (DA/0428/2002/C & PROP051823)

H23 **RESOLUTION: (Andrews/Notley-Smith) that:**

- A. *Council as the responsible authority grant its consent under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (as amended) to modify deferred commencement No 3 and conditions No 1, 2, 9, 25, 38, 39, 42, 44, 49, 51, 52, 57, 72, 80, 89, 90, 91, 92, 94, 95 and 96 of Development Consent No 428/2002 at 33-99 Bundock Street, Kingsford in the following manner:*
 1. *Deferred Commencement Condition No. 3 be amended to read:*
 - "3. *Full design details for the following:*
 - a) *The proposed vehicular crossings to serve the existing garages at 120 and 122A Holmes Street. The design details shall include cross sections taken at the centreline and extremities of the proposed vehicular crossings, such cross sections shall make provision for a 1.5m concrete footpath adjacent to the property alignment on Cooper Street. The cross sections should clearly demonstrate that the potential for vehicular scraping problems is minimal and should demonstrate compliance with the relevant Australian standards with respect to changes of gradient."*
 - b) *The proposed retaining walls along the Cooper Street frontages of 120 and 122A Holmes Street.*
 - c) *Civil works as required in Holmes Street to maintain/provide*

suitable pedestrian access to 120 and 122A Holmes Street.

The applicant shall contact Council's Development Engineer to discuss Council's requirements with respect to vehicular and pedestrian access prior to preparation of the design details.

2. *Condition No. 2 be amended to read:*

"2. Before any material is beneficially reused onsite, such material must be certified by an unconditional Site Audit Statement (SAS) together with a Summary Site Audit Report (SSAR) in the format defined by the Contaminated Land Management Regulation 1998 and shall be furnished to Council prior to the beneficial reuse of such material onsite for above ground works or works not directly ancillary to a remediation process. The Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water. Any contaminated material to be beneficially re-used on-site must be remediated to NEHF A for residential use and NEHF E for open space"

3. *That Condition No. 9 be amended to read:*

"9. The applicant shall submit to Council a plan and documentation together with details that an agreement has been reached between Energy Australia and the Applicant detailing the location and levels of, and timetable/schedule of works for the final cable relocation route for Energy Australia's three 33 kV cables which currently cross Lots 2 and 3 DP100960, lots as shown in the adopted Master Plan. The cables are to be clear of all proposed residential allotments. These plans, documentations and details shall be submitted prior to the issue of a sub-division certificate.

The plan and documentation shall be developed and prepared in accordance, and accompanied, with the following:

- a) A timetable/schedule of works from Energy Australia detailing the network planning for the relocation and laying of the new 33KV cables within Lots 2 and 3 DP100960 and the de-commissioning and de-energising of the existing cables.*
- b) Confirmation from Energy Australia that the proposed development can be provided an electricity supply without interrupting the supply to the surrounding locality.*
- c) A forward works program prepared by Energy Australia and the Applicant showing the relationship between the "Commonwealth Works" with Lots 2 and 3 DP100960 and the provision of new cabling and the de-commissioning of existing cabling or a survey plan showing the location of the new cables and confirmation that the existing 33kV cables located within Lots 2 and 3 have been de-commissioned. The plan to confirm that the cables are clear of any proposed retail, commercial or residential development and the depth below finished ground level.*

4. *That Condition No. 25 be amended to read:*

"25. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate

of one toilet for every 20 persons or part of 20 persons employed at the site."

5. *That Condition No. 38 be amended to read:*

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

a) \$ 50,000.00 Security damage deposit

The damage deposit may be provided by way of a cash or cheque, or bank guarantee acceptable under Council policy 3.02.08, with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all site construction works.

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.

(b) "In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$50,000.00 security damage deposit, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Public Works Undertaking in the sum of \$50,000.00 in respect of the obligations referred to in condition 38 (a). If at any time after the provision of a Commonwealth Public Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 38(a) and the Council must return the Commonwealth Public Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Public Works Undertaking.

(c) In this Condition, a 'Commonwealth Public Works Undertaking' means a covenant by deed in the following terms:

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following the occurrence of any damage referred to in Condition 38(a) of the Development Consent granted on 23 September 2002 pursuant to Development Application No. 0428/2002 ('Development Consent'), the sum of \$50,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 38(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth advising the Council in writing of the completion of all site construction works authorised by the Development Consent.' "

6. *That Condition No. 39 be amended to read:*

"39(a) Prior to a construction certificate being issued for the development, the applicant must lodge with Council a Bond (i.e. a deposit refundable in terms of the approval) in the form of cash or cheque, or bank guarantee

acceptable under Council policy 3.02.08, for the amount of \$500,000. This Bond is to ensure the construction of civil works as conditioned elsewhere for Holmes and Cooper Streets.

The Bond will be released upon the applicant meeting the costs and conditions for Council to carry out the infrastructure works.

(b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 security damage deposit, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Civil Works Undertaking in the sum of \$500,000.00 in respect of the obligations referred to in condition 39(a). If at any time after the provision of a Commonwealth Civil Works Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 39(a) and the Council must return the Commonwealth Public Works Undertaking to the Commonwealth at which time, except to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Public Works Undertaking*

(c) *In this Condition, a 'Commonwealth Civil Works Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following a breach of any conditions of this development consent requiring civil works in Bundock Street and surrounding streets, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 39(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth meeting the costs and conditions for the Council to carry out the civil works referred to in Condition 39(a) of the Development Consent.' "

7. *That Condition No. 42 be amended to read:*

"42(a) That the applicant submit to Council an Unconditional Bank guarantee in a form specified by Council in the amount of \$500,000 for the proper performance of the infrastructure transferred to Council for the full period of the defects liability period. A fifty-two week defects liability period shall apply, commencing from the date of Councils Acceptance of the public roads and lands and the provision of the abovementioned unconditional bank Guarantee."

(b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$500,000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Infrastructure Undertaking in the sum of \$500,000.00 in respect of the obligations arising under condition 42 (a). If at any time after the provision of a Commonwealth Infrastructure Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 42(a) and the Council must return the*

Commonwealth Infrastructure Undertaking to the Commonwealth at which time except, to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Infrastructure Undertaking

- (c) *In this Condition, a 'Commonwealth Infrastructure Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued after any infrastructure transferred to the Council fails to perform properly, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 42(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the expiration of a period of 52 weeks from date of the Council's acceptance of the public roads and lands required to be transferred to the Council by this Development Consent.'

8. *That Condition No. 44 be amended to read:*

"44. Road intersections shall be designed with a minimum turning radius of 10.5 metres. Larger trucks such as 12.5 metre removalist trucks must be able to navigate the intersections without mounting kerbs but may mount medians provided that the medians are reinforced to the satisfaction of Council. Plans detailing the adequacy of all intersection with respect to truck movements must be submitted to Council for approval prior to the commencement of site works."

9. *That Condition No. 49 be amended to read:*

"49. The applicant shall meet the full cost for Council, or a Council approved contractor, to construct the following:

- a) Traffic calming works in Holmes Street, between Avoca Street and Henning Avenue.*
- b) Traffic calming works at the approach to Holmes Street from the south in Benvenue Street, Ian Street, Loch Maree Street, Garrett Street, Garden Street and Cooper Street.*
- c) Channelisation in Benvenue Street, on the northern approach to Holmes Street, to restrict movement to and from Benvenue Street to left turns only.*
- d) A one-lane roundabout at the intersection of Moverly Road and Loch Maree Street.*

The construction staging for the above works shall be determined by Council based on increased vehicle movements in Holmes Street generated by this and future developments within the Defence Master Plan site The applicant shall enter into a Planning/Deed of Agreement with Randwick City Council setting out the terms and conditions for the provision of traffic management works in accordance with the staging of development works within the Bundock Street Defence Site."

10. *That Condition No. 51 be amended to read:*

"51. A Construction Traffic Management Plan for this application must be

prepared and approved by Council and the RTA/Regional Traffic Committee (if required) prior to the commencement of any site construction works, and include details of the site access road of development. The Construction Traffic Management Plan shall be complied with."

11. *That Condition No. 52 be amended to read:*

"52. All construction traffic must enter and exit the site from Avoca Street through an opening in the median of Avoca Street to enable only right turn movements from the site. Exiting traffic must make right turn movements from the site and use only arterial roads including but not limited to Rainbow Street (west of Avoca Street) to the Nine Ways roundabout."

12. *That Condition No. 57 be amended to read:*

"57. The applicant must meet the full cost for Council, or a Council approved contractor, to carry out alteration to the existing concrete footpath to match the proposed design levels for Cooper Street and Garden Street. The applicant shall note that some underpinning of boundary fences may be required and full cost of such works shall be borne by the applicant."

13. *That Condition No. 72 be amended to read:*

"72. Prior to the commencement of any site construction works the applicant shall submit to the Certifying Authority for approval, and have approved, a detailed stormwater drainage plan. The drainage plan is to generally be in accordance with the Stormwater Strategy as shown on Stage 1B plan 4399-S7 Issue D submitted with the development application. Details shall include, but not be limited to:

- *A detailed drainage study/analysis identifying the catchment areas upstream of the site and the stormwater flows generated from these catchments, together with the catchment areas within the site and the flows generated from same. The study/analysis shall identify the overland flow rates and depths of flow from storm events up to the 1 in 100 year annual recurrence interval within the streets of the subdivision. Information submitted shall be generally in accordance with the flood study requirements of the latest draft "FLOODPLAIN MANAGEMENT MANUAL" (ISBN 07313 0370 9).*
- *Relocation of the Wetland weir/outlet pit and associated outlet pipeline to under the future Viewing Platform. Note that the existing weir level of RL 31.00 shall be maintained and that the weir structure and viewing platform is designed and constructed with a safety and trash screen around the perimeter so that people and flotsam will not be able to be drawn into the outlet pipeline during a 1 in 100 year storm event)*
- *Gross pollutant trap details (GPT). Note that the GPT shall be designed in accordance Council's specification and guidelines for determining Gross Pollutant Trap/s. The GPT's are to be located within the road carriageway.*
- *Stormwater drainage plans, pipeline longitudinal sections and calculations in general accordance with the recommendations of the "Floodplain Management Manual" and "Australian Rainfall and Runoff", 1997 Edition).*

- *A hydraulic grade line analysis of the outlet pipeline that will drain the Wetland is to include the:-*
 - *proposed junction pit immediately downstream of the relocated weir/outlet pit for the Wetland.*
 - *the relocated weir/outlet pit*
 - *the 1200 mm diameter stormwater pipeline*

Note that the pit and weir structure shall be designed and constructed so that there is no reduction in the outlet capacity of this system that presently drains the Wetland.

Council will consider alternate locations for structures subject to the applicant demonstrating that the subject structures have adequate hydraulic capacity and meet all safety standards/requirements."

14. *That Condition No. 80 be amended to read:*

"80. The Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Certifying Authority's satisfaction for a period of 12 months from the date of completion of all civil works."

15. *That Condition No. 89 be amended to read:*

"89. No disturbance or removal shall occur to any Eastern Suburbs Banksia Scrub (the extent of which is taken to be as appears in the relevant map in the Eastern Suburbs Banksia Scrub: Endangered Ecological Community Recovery Plan, Department of Environment and Conservation NSW, February 2004) or Acacia terminalis subsp. terminalis or their habitats, without the concurrence of both National Parks and Wildlife Service NSW and Environment Australia."

16. *That Condition No. 90 be amended to read:*

"90. No disturbance to or removal of any vegetation or soils shall occur within the proposed Randwick Environmental Park as a result of the proposed development which is the subject of this development consent. The only exception to this shall be installation of protective fencing, as identified elsewhere in these conditions."

17. *That Condition No. 91 be amended to read:*

"91. No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Applicant's Project Manager and/or Council. The only exception to this shall be installation of protective fencing as identified elsewhere in these conditions.

In the case of this exception, access shall be avoided whenever possible. All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign an Access Register as required in the development consent for the Randwick Environmental Park under DA 747/2003. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:

- *full first and last names;*
- *organisation;*
- *address;*

- *contact telephone numbers;*
- *signature;*
- *date;*
- *detailed reason for access;*
- *description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management.*
- *Acknowledgment that this condition has been read and understood.*

18. *That Condition No. 92 be amended to read:*

"92. No liquids, semi-liquids or chemicals, including unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of, placed in or where it may enter the proposed Randwick Environmental Park as part of the development which is the subject of this Development Consent."

19. *That Condition No. 94 be amended to read:*

"94. An 1800mm high cyclone wire protection fence shall be installed along the entire boundary of the proposed Randwick Environmental Park, where this is adjacent to the proposed development, prior to commencement of any site construction works. Any designated access route(s) between the REP and this stage of development identified by the Department of Defence shall only be permitted subject to Council's approval. Installation and removal of the protection fence shall be overseen by Council's Bushland Management Technician."

20. *That Condition No. 95 be amended to read:*

"95(a) The applicant shall submit a detailed landscape design for all street frontages of the development in accordance with Council's Urban Design Guidelines for Randwick. The landscape design shall include trees, turf, pavements, seat installations, bins and tree grates as required by Council's Landscape Architect – 9399 0786.

The Stage 1B Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1B-01, issue B shows a number of proposed mass planting beds. These are required to be deleted from the proposed street frontage works.

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

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

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

lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

A refundable deposit in the form of cash or cheque of \$4,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Lobellia, and Cooper Street frontages.

- (b) *In the event that the person who implements this development consent is the Commonwealth, as an alternative to the provision of a \$4 000.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Landscape Undertaking in the sum of \$4,000.00 in respect of the obligations arising under condition 95(a). If at any time after the provision of a Commonwealth Landscape Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 95(a) and the Council must return the Commonwealth Landscape Undertaking to the Commonwealth at which time except, to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Landscape Undertaking.*
- (c) *In this Condition, a 'Commonwealth Landscape Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days receipt of a written demand from the Council issued after a breach of the conditions requiring landscaping works along the Joongah Street and Cooper Street frontages, to the sum of \$4,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 95(a) of the Development Consent. This undertaking will be released and will be of no further effect upon completion of the landscaping works approved by this Development Consent along the Joongah Street and Cooper Street frontages.' "

21. *That Condition No. 96 be amended to read:*

- 96(a) *In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge, (or equivalent treatment), shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*

A refundable deposit of \$11,500.00 is placed to ensure that the street trees shown on the Stage 1B Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1B-01, issue B are installed in accordance with the approved landscape documentation. The refundable deposit will be released at the time of issue of a final occupation certificate by the certifying authority providing the trees are installed as per the approved Landscape Plan.

Any contravention of Council's landscape conditions at any time during the construction period or prior the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security. "

- (b) *In the event that the person who implements this development consent is*

the Commonwealth, as an alternative to the provision of a \$11,500.00 bond, prior to the issue of any construction certificate in respect of any works permitted by this development consent, the Commonwealth may execute and provide to the Council a Commonwealth Street Tree Undertaking in the sum of \$11,500.00 in respect of the obligations arising under condition 96. If at any time after the provision of a Commonwealth Street Tree Undertaking in accordance with this condition, the Commonwealth ceases to be the person who implements this development consent, the person who implements the consent must comply with Condition 95 and the Council must return the Commonwealth Street Tree Undertaking to the Commonwealth at which time except, to the extent of any antecedent liability which has by that time arisen and remains unsatisfied, the Commonwealth will be released from any further obligation under the Commonwealth Street Tree Undertaking.

- (c) *In this Condition, a 'Commonwealth Street Tree Undertaking' means a covenant by deed in the following terms:*

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days receipt of a written demand from the Council issued after a breach of the conditions requiring installation of street trees in accordance with the Stage 1B Urban Design & Landscape Concept Plan Street Tree Layout, drawing number L-1B-01, issue B and the approved landscape documentation to the sum of \$11,500.00 or any part thereof as security for the performance of the obligations referred to in this condition. This undertaking will be released and will be of no further effect upon completion of the street tree installation/planting works approved by this Development Consent along the Joongah Street and Cooper Street frontages.' "

22. *Add a new condition No 97 that reads:*

"97. A shared 3.0 metre wide pedestrian/cycle path from the REP along the northern edge of Joongah Street shall be provided to replace the proposed 1.8m footpath along the northern edge of Joongah Street (formerly referred to as Lobellia Street). Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development."

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

6.6 DEVELOPMENT APPLICATION REPORT - 33-99 BUNDOCK STREET, RANDWICK. (DA/063/2003/C & PROP051823)

- H24 **RESOLUTION: (Andrews/Notley-Smith) that:**

A. *Council as the responsible authority grant its consent under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (as amended) to modify conditions No 1, 18, 41, 42, 43, 44, 48, 57, 59, 63, 77, 78, 85, 95, 96, 100 and 101 of Development Consent No 63/2003 at 33-99 Bundock Street, Kingsford in the following manner:*

1. *That Condition No. 18 be amended to read:*

"18. Any Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site."

2. *That Condition No. 41(c) be amended to read:*

"41. (c) In this Condition, a 'Commonwealth Civil Works Undertaking' means a covenant by deed in the following terms

'The Commonwealth of Australia ('Commonwealth') hereby undertakes to pay to Randwick City Council ('Council') within 7 days of a written demand from the Council issued following a breach of any conditions of this development consent requiring civil works in Holmes Street and surrounding streets, the sum of \$500,000.00 or any part thereof as security for the performance of the obligations referred to in Condition 41(a) of the Development Consent. This undertaking will be released and will be of no further effect upon the Commonwealth meeting the costs and conditions for the Council to carry out the civil works referred to in Condition 41(a) of the Development Consent.'"

3. *That Condition No. 42 be amended to read:*

"42. The design alignment level at the Garden Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Department of Asset and Infrastructure Services prior to the commencement of any site construction works.

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

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

4. *That Condition No. 43 be amended to read:*

"43. The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$ 6475.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to the commencement of any site construction works and/or the issuing of alignment levels for the Garden Street site boundary."

5. *That Condition No. 57 be amended to read:*

"57. The applicant shall meet the full cost for Council, or a Council approved contractor, to construct the following:

a) Traffic calming works in Holmes Street, between Avoca Street and Henning Avenue.

b) Traffic calming works at the approach to Holmes Street from the south in Benvenue Street, Ian Street, Loch Maree Street, Garrett Street, Garden Street and Cooper Street.

c) Channelisation in Benvenue Street, on the northern approach to Holmes Street, to restrict movement to and from Benvenue Street to left turns only.

d) A one-lane roundabout at the intersection of Moverly Road and Loch Maree Street.

The construction staging for the above works shall be determined by

Council based on increased vehicle movements in Holmes Street generated by this and future developments within the Defence Master Plan site The applicant shall enter into a Planning/Deed of Agreement with Randwick City Council setting out the terms and conditions for the provision of traffic management works in accordance with the staging of development works within the Bundock Street Defence Site."

6. *That Condition No. 59 be amended to read:*

"59. A Construction Traffic Management Plan for this application must be prepared and approved by Council and RTA/Regional Traffic Committee (if required) prior to the commencement of any site construction works. The approved Construction Traffic Management Plan shall be complied with at all times. All construction traffic must enter and exit the site using Avoca Street. Exiting traffic must make right turn movements from the site and use only arterial roads including but not limited to Rainbow Street (west of Avoca Street) to the Nine Ways roundabout."

7. *That Condition No. 63 be amended to read:*

"63 The applicant must meet the full cost for Council, or a Council approved contractor, to carry out alteration to the existing concrete footpath to match the proposed design levels for Cooper Street and Garden Street. The applicant shall note that some underpinning of boundary fences may be required and full cost of such works shall be borne by the applicant."

8. *That Condition No. 77 be amended to read:*

"77. Prior to the commencement of any road construction works the applicant shall submit to the Principal Certifying Authority for approval A hydraulic grade line analysis of the outlet pipeline that will drain the Wetland, such analysis is to include

- the proposed junction pit immediately downstream of the weir/outlet pit for the Wetland.*
- the relocated weir/outlet pit, (refer to the development consent for Stage 1B)*
- the 1200 mm diameter stormwater pipeline*

Council will consider alternate locations for structures subject to the applicant demonstrating that the subject structures have adequate hydraulic capacity and meet all safety standards/requirements."

9. *That Condition No. 85 be amended to read:*

"85. The Gross Pollutant Traps (GPTs) shall be regularly inspected, maintained and cleaned by the applicant, to the Certifying Authority's satisfaction for a period of 12 months from the date of completion of all civil works."

10. *That Condition No. 95 be amended to read:*

"95. No disturbance to or removal of any vegetation or soils shall occur within the proposed Randwick Environmental Park as a result of the proposed development which is the subject of this development consent. The only exception to this shall be installation of protective fencing, as identified elsewhere in these conditions.

In the case of this exception, disturbance to and removal of vegetation or soils shall be minimised. In any case, no disturbance to or removal of

vegetation or soils shall occur more than 2 metres into the proposed Randwick Environmental Park from the protective fence. In locations where disturbance to or removal of soils has occurred, the area shall be immediately repaired to its state prior to commencement of development, as far as possible. The location, design and specifications of the protective fencing shall be approved by the Council prior to the commencement of any construction."

11. *That Condition No. 96 be amended to read:*

"96. No vehicular or pedestrian access relating to the proposed development shall be allowed to the proposed Randwick Environmental Park without the written authorisation of the Applicant's Project Manager and/or Council. The only exception to this shall be installation of protective fencing as identified elsewhere in these conditions.

In the case of this exception, access shall be avoided whenever possible. All persons who have received written authorisation to enter the proposed Randwick Environmental Park by the Applicant's Project Manager shall sign the Access Register as required in the development consent for the Randwick Environmental Park under DA 747/2002. The Access Register shall include the following information for every person each day he or she enters the proposed Randwick Environmental Park:

- full first and last names;*
- organisation;*
- address;*
- contact telephone numbers;*
- signature;*
- date;*
- detailed reason for access;*
- description of all areas accessed, including by vehicles, machinery and plant, using management zone codes in the draft Plan of Management.*
- Acknowledgment that this condition has been read and understood.*

12. *That Condition No. 98 be amended to read:*

"98. No liquids, semi-liquids or chemicals, including unset concrete, water, cement wash, paint, petroleum-based products, etc., shall be disposed of, placed in or where it may enter the proposed Randwick Environmental Park as part of the development which is the subject of this Development Consent."

13. *That Condition No.100 be amended to read:*

"100. An 1800mm high cyclone wire protection fence shall be installed along the entire boundary of the proposed Randwick Environmental Park, where this is adjacent to the proposed development, prior to commencement of any site construction works. Any designated access route(s) between the REP and this stage of development identified by the Department of Defence shall only be permitted subject to Council's approval. Installation and removal of the protection fence shall be overseen by Council's Bushland Management Technician."

14. *Add a new condition No.104 that reads:*

"104. A shared 3.0 metre wide pedestrian/cycle path from the REP along the northern edge of Joongah Street shall be provided to replace the proposed 1.8m footpath along

the northern edge of Joongah Street (formerly referred to as Lobelia Street). Details shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development."

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

6.7 DEVELOPMENT APPLICATION REPORT – 155-157 ARDEN STREET, COOGEE. (DA/0611/2006 & PROP017326 & 333)

H25 **RESOLUTION: (Notley-Smith/Kenny) that:**

- (a) *this matter be deferred to allow for the applicant to submit amended plans which delete onsite parking and comply with the Floor Space Ratio of the 2c zone; and*
- (b) *Council reconsider its decision not to heritage list the Arden Street Retaining Walls.*

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

7. MISCELLANEOUS.

7.1 DIRECTOR, CITY PLANNING REPORT 12/2007 - COUNCIL'S POLICY - FORMER INCINERATOR LAND, MATRAVILLE. (F2006/00652)

H26 **RESOLUTION: (Andrews/Notley-Smith) that:**

- (a) *Council removes the reference to the Sydney Water Land at 29W Finucane Crescent, Matraville from Annexure A & B of Council's Policy – Former Incinerator Land, Matraville.*
- (b) *Council removes the references to the Policy – Former Incinerator Land, Matraville and contamination of the subject Sydney Water Land within its Section 149 Planning Certificates.*
- (c) *Council includes a reference to the Site Audit Statement issued by Kylie Lloyd, NSW Department of Environment & Conservation Accredited Site Auditor, Golder Associates Pty Ltd dated 21 March 2007, in its Section 149 Planning Certificates for the subject Sydney Water Land.*

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

7.2 DIRECTOR, CITY PLANNING REPORT 13/2007 - USE OF STORMWATER DETENTION TANKS FOR WATER STORAGE AND ON-SITE REUSE. (F2004/07209 XR F2005/00171)

H27 **RESOLUTION: (Notley-Smith/Matson) that:**

- A. *Council allow new on-site detention tanks to be utilised for on-site storage and re-use provided that:*
 - 1. *the required on-site detention volume is provided/maintained above the constant outlet and the required retention volume is provided below the outlet;*
 - 2. *a suitably qualified expert confirms that the quality of water proposed for re-use is suitable for the intended purpose;*
 - 3. *suitable provisions are made to prevent mosquito infestation in the tank without compromising the inlet capacity of the tank; and*

B. *A report be brought back to Council addressing the issue of using surplus rainwater for other purposes, such report to include some guidelines on the design of new tanks to allow for retention of water for landscaping purposes.*

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

7.3 DIRECTOR, CITY PLANNING REPORT 14/2007 - DESIGN IDEAS FOR REJUVENATING RESIDENTIAL FLAT BUILDINGS. (F2004/ 07888)

H28 **RESOLUTION: (Andrews/Notley-Smith)** *that Council adopt the Planning Policy – ‘Design Ideas for Rejuvenating Residential Flat Buildings,’ coming into effect immediately.*

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

8. CONFIDENTIAL ITEMS.

Nil.

9. NOTICES OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.35 p.m.

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CHAIRPERSON