



15 May 2007

## ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT AN ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 22ND MAY 2007 AT 6:00 PM

### 1 Prayer & acknowledgement of local indigenous people

#### Prayer

*"Almighty God,  
We humbly beseech you to bestow your blessings upon this Council and to direct and prosper our deliberations to the advancement of your glory and the true welfare of the people of the City of Randwick and Australia.  
Amen"*

#### Acknowledgement of local indigenous people

*"I would like to acknowledge that we are here today on the land of the Bidjigal people of the Dharwahal Nation. The Bidjigal people are the traditional owners and custodians of this land and form part of the wider Aboriginal nations of the Sydney area. On behalf of Randwick City Council I would also like to acknowledge and pay my respects to the Elders both past and present."*

### 2 Apologies/Granting of leave of absences

### 3 Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 24<sup>TH</sup> APRIL 2007.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON FRIDAY, 27<sup>TH</sup> APRIL 2007.

### 4 Declaration of Pecuniary & Non-Pecuniary Interests

### 5 Addressing of Council by Members of the Public

### 6 Mayoral Minutes

6.1	MAYOR'S MINUTE 30/2007 - MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE.	2
6.2	MAYOR'S MINUTE 31/2007 - NATIONAL RECONCILIATION WEEK	3

Additional Mayoral minutes (if any) will be issued and listed in a supplementary agenda.

### 7 Urgent Business

<b>8</b>	<b>Director City Planning Reports</b>	
8.1	DIRECTOR, CITY PLANNING REPORT 24/2007 - 13 BUMBORAH POINT ROAD, PORT BOTANY	7
8.2	DIRECTOR, CITY PLANNING REPORT 25/2007 - 28 BELL STREET, MAROUBRA	37
8.3	DIRECTOR, CITY PLANNING REPORT 26/2007 - 8 TUCABIA STREET, SOUTH. COOGEE	42
8.4	DIRECTOR, CITY PLANNING REPORT 27/2007 - 89 STOREY STREET, MAROUBRA.	58
<b>9</b>	<b>General Manager's Reports</b>	
9.1	GENERAL MANAGER'S REPORT 11/2007 - MARCH 2007 QUARTERLY REVIEW - MANAGEMENT PLAN 2006-09.	83
9.2	GENERAL MANAGER'S REPORT 12/2007 - AFFIXING OF THE COUNCIL SEAL.	85
<b>10</b>	<b>Director City Services' Reports</b>	
10.1	DIRECTOR, CITY SERVICES' REPORT 21/2007 - REQUEST FOR CHANGE OF STREET NAME - PART OF DOWLING STREET BEHIND THE SOUND BARRIER.	87
10.2	DIRECTOR, CITY SERVICES' REPORT 22/2007 - REQUEST TO RE-NAME QUARRY RESERVE, MAROUBRA.	93
<b>11</b>	<b>Director Governance &amp; Financial Services' Reports</b>	
11.1	DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 26/2007 - NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - SUBMISSION OF MOTIONS.	98
11.2	DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 27/2007 - COUNCIL'S ONLINE PROGRESS REPORT.	100
11.3	DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 28/2007 - ENVIRONMENT COMMITTEE	102
11.4	DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 29/2007 - DETERMINATION OF THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2007/2008 FEES FOR COUNCILLORS AND MAYORS	105
11.5	DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 30/2007 - 2006/07 - BUDGET REVIEW AS AT 31 MARCH 2007	107
<b>12</b>	<b>Petitions</b>	
<b>13</b>	<b>Motions Pursuant to Notice</b>	
13.1	Notice of Rescission Motion by Councillors Matson, Notley-Smith and Woodsmith – Health, Building & Planning Committee Meeting 8 <sup>th</sup> May 2007 – Item 6.2 – Development Application Report – 9 Vale Street, Clovelly.	112
13.2	Motion By Councillor Belleli – Flooding in Harold Street, Matraville.	121
<b>14</b>	<b>Confidential Items (Closed Session)</b>	
14.1	CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 23/2007 - GRANT RESERVE PLAYGROUND RECONSTRUCTION.	122
<b>15</b>	<b>Notices of Rescission Motions</b>	

.....  
GENERAL MANAGER

## **MAYOR'S MINUTE 30/2007**



<b>SUBJECT:</b>	MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE		
<b>DATE:</b>	9 May, 2007	<b>FILE NO:</b>	F2005/00182

**REPORT BY:** MAYOR

### **INTRODUCTION:**

Correspondence has been received from Ms Sarah Stewart (Paralympian) indicating that she has been selected to represent Australia in the Women's Wheelchair Basketball Team for the Paralympics in Beijing in 2008.

### **ISSUES:**

Although flights and accommodation for the Paralympics are funded by the Australian Paralympic Committee, Ms Stewart has indicated that all other costs (including day and game wheelchairs, cost of attending training camps etc) are largely self-funded.

### **FINANCIAL IMPACT STATEMENT:**

The suggested contribution (\$1,000) can be funded from the Mayor's Future Champions Fund 2006/07.

### **CONCLUSION:**

The Mayor's Future Champions Fund was established in February 2006 to provide assistance to encourage sporting and academic excellence. This request meets the requirements to qualify for financial assistance under the terms of the fund.

### **RECOMMENDATION:**

That Council donate \$1,000 to help cover the costs involved in allowing Sarah Stewart to represent Australia in Wheelchair Basketball at the 2008 Beijing Paralympics and this contribution be funded from the Mayor's Future Champions Fund 2006/07.

### **ATTACHMENT/S:**

Nil

.....  
MURRAY MATSON  
ACTING MAYOR

**MAYOR'S MINUTE 31/2007**

<b>SUBJECT:</b>	NATIONAL RECONCILIATION WEEK
-----------------	------------------------------

<b>DATE:</b>	9 May, 2007	<b>FILE NO:</b>	F2004/07685
--------------	-------------	-----------------	-------------

**REPORT BY:** MAYOR

**INTRODUCTION:**

Randwick City Council will again be celebrating National Reconciliation Week. Celebrations will commence on Monday 28 May, 2007 from 10.00 am at the front of Council's Administration Building.

This year's celebrations will acknowledge the 40<sup>th</sup> Anniversary of the 1967 Referendum, which recognised Indigenous people as citizens, and Randwick City Council will continue to play a significant role in recognising Aboriginal and Torres Strait Islander people within the LGA and pay respect to this historic event.

The day's event includes speeches, Aboriginal dance performances and display of arts, crafts and historical photographs.

Mr Charles (Chicka) Dixon, special guest will complete the days proceeding with a speech on the struggle for Aboriginal equality and the 1967 Referendum.

A program is attached.

**ISSUES:**

Randwick City Council has a significant role to play in the local reconciliation process within the city's strong historical links to local Aboriginal communities particularly in La Perouse. As 2007 acknowledges the 40<sup>th</sup> anniversary of the 1967 Referendum that recognised Indigenous people as citizens it is appropriate that Council pay respect to this historic event.

**FINANCIAL IMPACT STATEMENT:**

The cost of the 2007 Reconciliation Week celebrations is \$1,600.67. This amount has been approved in the current Community Programs and Partnerships budget allocation for 2006/2007.

**CONCLUSION:**

Council is committed to supporting and celebrating reconciliation annually in partnership with local community organisations and the Randwick City Council Aboriginal and Torres Strait Islander peoples Advisory Committee. Reconciliation week is one of many ways that Council delivers its commitment to developing and promoting better relationships with the Aboriginal and Torres Strait Islander community within Randwick City.

**RECOMMENDATION:**

That Randwick City Council acknowledges and supports the activities planned for Reconciliation Week 2007.

**ATTACHMENT/S:**

1. Running Schedule.
2. Flyer



.....  
MURRAY MATSON  
ACTING MAYOR

**Randwick City Council  
National Reconciliation Week Celebrations  
Randwick City Council Administration Building  
30 Frances Street, Randwick**

**Monday 28 May 2007**

**RUNNING SCHEDULE:**

Commencing 10:00 am

10.00 am Welcome performance by the Matraville Sport High School Aboriginal Dancer.

MC – Introduce Mr Les Davison

10.10 am Welcome to Country - Mr Les Davison

MC – Thank Mr Davison, and Introduce Cr Margaret Woodsmith

10.15 am Cr Woodsmith to speak on behalf of Council

MC – Thank Cr Woodsmith and Introduce Pastor Ray Minniecon

10.25 am Pastor Minniecon will be speaking on 'Reconciliation the Next Step'.

MC – Thank Pastor Minniecon and Introduce Mr Ivan Simon-  
Chairperson, La Perouse Local Aboriginal Land Council

10.35 am Mr Ivan Simon- Chairperson, La Perouse Local Aboriginal Land Council

MC – Thank Mr Ivan Simon.

**10:45 am Raising of the Flags:**

Cr Woodsmith – Australian Flag

Mr Ivan Simon – Aboriginal Flag

Ms Judith Hill – Torres Strait Islander Flag

MC – Will ask everyone to adjourn to the Town Hall for a morning tea.

On display will be local Aboriginal arts and crafts, historical photographs, poem or short stories on reconciliation from the La Pa Bummer Youth Haven.

11.00 am Council's special guest will be Charles (Chicka) Dixon, who will speak on the 1967 Referendum and the struggle for Aboriginal equality.

2007 is the 40<sup>th</sup> anniversary of the 1967 referendum that recognised Indigenous people as citizens.

11.30 am The program will conclude with performances by the Matraville Sport High Aboriginal Dancers.

People will be asked to stay and enjoy the arts, crafts and historical photographs display and generally associated with each other, until 12.00 pm.

Randwick City Council  
presents  
**National Reconciliation Week 2007**

Monday 28 May 2007

Administration Building  
30 Frances Street Randwick  
10am to 12pm



Aboriginal arts, crafts and Historical  
photographic display  
Aboriginal dance performances  
Short stories, poems, drawing and art  
work relating to aboriginal  
Reconciliation by the La Pa bummers  
Youth Haven

**Welcome to Country, Flag Raisng Ceremony**

**Speeches**

**Cr. Paul Tracey**

Mayor of Randwick

**Mr Ivan Simon - Chairperson**

La Perouse Local Aboriginal Land Council

**Uncle Chicka Dixon**

speaking on the 1967 Referendum and the  
struggle for Aboriginal equality

## ***Director, City Planning Report 24/2007***



<b>SUBJECT:</b>	13 Bumborah Point Road, Port Botany		
<b>DATE:</b>	10 May, 2007	<b>FILE NO:</b>	DA/53/2007 & PROP048095

**REPORT BY:** DIRECTOR, CITY PLANNING

### **INTRODUCTION:**

Attached is a Development Assessment Report for alterations and additions to the existing Australian Customs Service Container Examination Facility.

### **RECOMMENDATION:**

The Council consider and determine the development application in accordance with the recommendations contained in the attached report.

### **ATTACHMENT/S:**

Development Application Report dated 9 May 2007.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

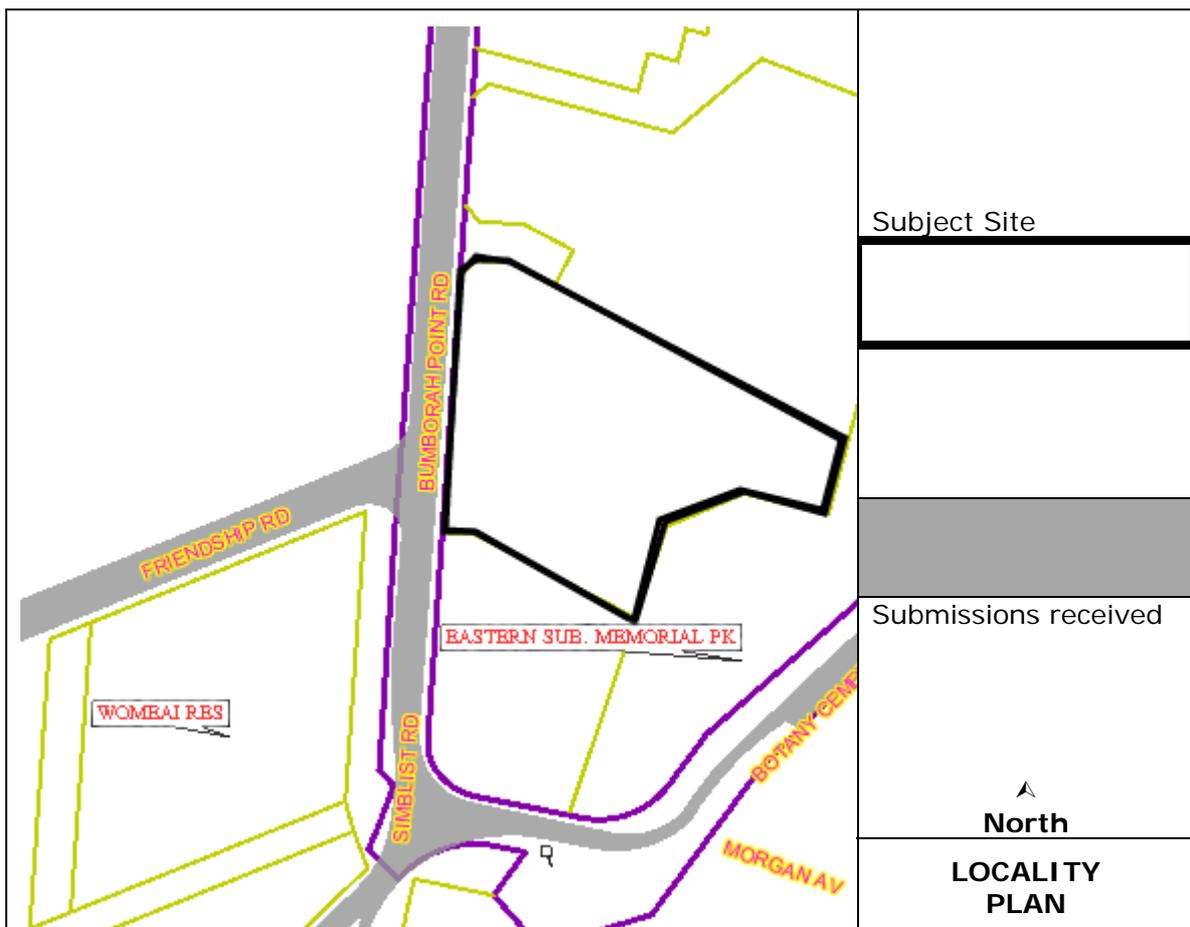
.....  
DAVID ONGKILI  
ENVIRONMENT PLANNING OFFICER

# Development Application Report



<b>REPORT BY:</b> DIRECTOR, CITY PLANNING	
<b>DATE:</b>	9 May, 2007
<b>FILE NO:</b>	DA/53/2007 & PROP048095

<b>PROPOSAL:</b>	Alterations and additions to the existing Australian Customs Service Container Examination Facility
<b>PROPERTY:</b>	13 Bumborah Point Road, Port Botany
<b>WARD:</b>	South Ward
<b>APPLICANT:</b>	Australian Customs Service
<b>OWNER:</b>	Sydney Ports Corporation



## 1. EXECUTIVE SUMMARY

The application is referred to Committee as it is valued at \$2.1 Million.

The proposal is for the alterations and additions to the existing Australian Customs Service (ACS) Container Examination Facility comprising extensions to the main existing building on-site and alterations to carparking including construction of a new carparking area on existing hardstand adjacent to the existing truck entry to the north-west of the subject site.

The existing Australian Customs Service (ACS) Container Examination Facility was approved by the Minister for Planning in July 2002 as the facility was declared a State Significant Development by the Minister on 1 April 2002 pursuant to Section 76A(7) of the Environmental Planning and Assessment Act 1979.

In relation to the current Development Application, the Department of Planning has given written advice dated 16 March 2007 that the subject proposal is not a Major Project under the terms of State Environmental Planning Policy (Major Projects) so that Council (and not the Minister of Planning) is the consent authority for the subject DA.

The proposal is permissible in the Industrial 4B (Port Botany) zone under the Randwick Local Environmental Plan 1998, and complies with all the relevant statutory controls contained in the Randwick LEP 1998.

The proposal complies with the carparking requirements of the DCP – Parking.

The subject site is located a significant distance from residential properties and will therefore have no amenity impacts on existing residential development. As the proposal is for extensions to accommodate additional operational and administrative uses associated with the existing Container Examination Facility, it is not considered to generate any adverse traffic or noise impacts.

The proposal is a Crown Application, requiring concurrence of the Australian Customs Service to the condition of consent. This has been received from the ACS and the agreed conditions applied as recommended.

The recommendation is for approval subject to conditions.

## **2. THE PROPOSAL**

The proposal will comprise the following :

- Construction of an extension to the southern side of the existing building contain a total of 1545m<sup>2</sup> gross floor area
- Removal of 45 existing parking spaces to enable the proposed building extension.
- Provision of a total of 65 new parking spaces, 50 of which will be provided on the existing hardstand area adjacent to the truck entry, 7 at the rear of the site adjacent to its southern boundary, and 8 spaces at ground level under the part of the proposed extension.

In terms of the proposed operation of the extended facility, the proposal will be used for the specific operational needs of the Australian Customs Service for container examination as follows:

**A. The Detained Goods area (Detained Goods Management) containing:**

A vault/armoury and examination area of 236m<sup>2</sup> including facilities for examination of commercial firearm consignments; and safety testing and a firearm safe discharge area;

Three separate enclosed goods storage and reception areas of 685m<sup>2</sup> for

- An auction/claim room area of 34m<sup>2</sup>
- A training room of 143m<sup>2</sup>
- Records storage, amenity and security
- General office space, amenities and reception of 372m<sup>2</sup>
- A secure access area

**B. The Technology Section (Enforcement Operations Technology) of 71m<sup>2</sup> containing office, storage and a workshop.**

In terms of the workforce, the proposal will result in the following distribution:

- Container Examination Facility (currently located on site) = 70 staff
- Detained Goods Management (new use on the site) = 23 staff
- Enforcement Operations Technology (new use on site) = 2 staff

Access for cars into the subject site will be via the existing access point off Bumborah Point Road while access for trucks and container-hauling vehicles will be via the existing heavy vehicle access road along the northern boundary.

**3. THE SUBJECT SITE AND SURROUNDING AREA:**

The site is located on the eastern side of Bumborah Point Road, directly opposite the intersection of Friendship Road and Bumborah Point Road. The subject site originally formed part of the land that contained the Bunnerong Power Station and is located within the Port Botany industrial area.

The site is irregular in shape with a frontage to Bumborah Point Road of 155m. The site is relatively flat and has a total site area of 2.66 ha. The site contains existing buildings comprising the Australian Customs Service container examination facility. A substantial part of the site is paved, to provide for manoeuvring and parking of container vehicle and container storage.

The subject site is located close to the existing container handling facilities in Port Botany which are located immediately to the west of the subject site on the opposite side of Bumborah Point Road and on the southern side of Brotherson Dock. The rear of the site to the east is bounded by a very high concrete wall that lines the existing cliff-line separating the former power station from its former administration building off Military road. The rear boundary of the site also abuts the Eastern suburbs crematorium complex to the east. To the south of the site is vacant land owned by Landcom. To the north is also vacant land and the STA Bus Depot beyond.

The locality predominantly is characterised by port-related industrial uses, namely, container handling, oil tanking, chemical storage and handling, gas storage and container handling, concentrated in the section of Port Botany south of Brotherson Dock.

## 4. SITE HISTORY

### 4.1 Application History

The site originally formed part of the former Bunnerong Power Station facility. After demolition of the Power Station in the early 1990s, the site remained vacant until approval was granted by the Minister of Planning for the existing ACS Container Examination Facility in July 2002.

## 5. COMMUNITY CONSULTATION:

The proposal has been notified and advertised for a period of 14 days between 7 February 2007 and 21 February 2007 in accordance with the DCP – Public Notification of Development Proposals and Council Plans. No submissions were received.

## 6. TECHNICAL OFFICERS' COMMENTS

The application has been referred to the relevant technical officers and the following comments have been provided: -

### 6.1 Development Engineering Comments

Council's Development Engineer advises as follows:

*"An application has been received for the construction of an extension to the existing customs facility at the above site.*

*This report is based on the following plans and documentation:*

- *SEE prepared by Mike George Planning Pty Ltd, (dated December 2006);*
- *Civil Works Plans Sheet 1 and 2 prepared by Woolacotts Consulting Engineers and dated 8/11/2006;*
- *Plans DA 01 to DA 07 inclusive prepared by Jack Taylor Architects and dated October 2006.*

*The proposed works are as follows:*

- *Construction of an extension to the southern side of the existing main building to contain a total of 1545 square metres of gross floor space. The extension is of part 1 and part 2 storey construction and is to be used by the Detained Goods Management Section (1345 square metres) and Technology Section of the Australian Customs Service.*
- *Removal of a total of 45 existing parking spaces to enable the new building work.*
- *Provision of a total of 65 new parking spaces, 50 of which are to be provided on existing hardstand adjacent to the truck entry, 7 at the rear of the site adjacent to its southern boundary, and 8 spaces at ground level under part of the proposed extension.*

### **Landscape Comments**

*There are no trees covered by Council's Tree Preservation Order that will be affected by the proposed development. The proposed development is built substantially over existing impervious areas and there is no additional landscaping proposed as part of this development.*

### **Drainage Comments**

*The proposed development requires some redesign of the internal stormwater system to accommodate the proposed building works. The proposed extension is located over existing impervious surface area and there is no significant increase to the*

*impervious area on the site. The Development Engineer is therefore of the opinion that the proposed development should not have any adverse impact on the existing drainage system either within, or downstream of the development site.*

*Vehicles parked within the proposed car spaces in the south-east corner of the development site, (spaces 28 to 34 inclusive); will be located adjacent to, or over the 1200mm wide dish drain. The applicant's hydraulic consultant will need to certify that vehicles parked in this area will not affect, or be affected by, the flow of stormwater within the dish drain.*

### **Traffic Comments**

*There are no new vehicular crossings associated with the proposed development. The circulation path however, has significantly changed as a result of the proposed development. Vehicles travelling to the proposed 85 space car park must do so via the existing crossing at B15 and travel around the south, east of the redeveloped portion of the site and then to the north of the existing examination warehouse and customs store. A section of the travel path is only 4 metres in width and therefore not suitable for two way traffic flows. The applicant's traffic consultant is of the opinion that the proposed circulation widths are satisfactory given the low potential for vehicle conflict and has offered up conditions to be included as part of any development consent. The options for alternate circulation paths, (i.e. via gate B15 and then travelling to the west of the main building or via a new driveway off Bumborah Point Rd); have been considered however they are not feasible.*

*As mentioned above the 85 space car park located to the north-west of the existing examination warehouse can only be accessed following a lengthy circulation around the site. There is a potential for staff / visitor vehicles to conflict with trucks in the area immediately north of the examination warehouse. A traffic management plan for movements within the site will need to be prepared and approved prior to the commencement of site construction works.*

*As mentioned above there are no new vehicular crossings proposed as part of this application. The vehicular crossing at gate B15, (i.e. the access point for all staff and visitor vehicles) is as per that approved under the original development consent.*

### **Parking Provision Comments**

*The DCP-Parking states that parking requirements for facilities associate with the Sydney Ports are to be assessed on the basis of transport surveys. The applicant has submitted a traffic report with the development application and the report concludes that adequate parking has been provided for the redeveloped site. The current on-site parking provision is 68 cars. The proposed car parking provision will be 119 cars and this translates to 1 space per 71.5 square metres GFA, (based on total GFA of 8503 square metres). The provision of parking for the new development within the site will be 34 spaces. This translates to 1 space per 72.3 square metres which is a higher provision than Council's DCP-Parking requires for on-site office areas, (being 1 space per 80 square metres).*

*The proposed parking more than accommodates all staff and visitor parking for the redeveloped site, (calculated peak parking demand of 102 spaces and proposed provision of 119 spaces). The Planning Officer is advised that the level of parking provided is considered satisfactory.*

### **Car Park Layout**

*The applicant has indicated that all parking spaces will comply with the relevant provisions of AS 2890.1-2004 and a condition to this effect has been included within this report.*

*Should the application be approved the following conditions shall apply:"*

## **6.2 Environmental Health Comments**

Council's Environmental Health Officer advises as follows:

### **"History**

Additional information was requested on 14 February 2007 in relation to contamination and acoustic issues. The applicant provided a response to these issues on 26 April.

### **Discussion**

Upon review of the information submitted, with respect to land contamination, the applicant has demonstrated that the site is suitable for its intended use subject to compliance with the 2 site management plans applicable to this site. Appropriate conditions to be imposed on any proposed consent.

In relation to acoustic, as there will be no increased container movements, no acoustic report is deemed necessary.

### **Recommendation**

Should the application be approved, the following conditions are requested to be imposed:"

## **7. MASTER PLANNING REQUIREMENTS**

Clause 40A of Randwick LEP requires the preparation and adoption of a master plan for the redevelopment of sites having an area in excess of 4,000 square metres which must be adopted and in force prior to the grant of development consent. The subject site is 2.66 ha and requires a Master Plan under Clause 40A of the Randwick LEP.

The applicant has requested a waiver from the requirement of a Master Plan for reasons that are discussed in Section 10.1.2 below. These reasons accord with the waiver requirements contained in Clause 40A(2) and are considered acceptable (see Section 10.1.2).

## **8. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

The Development application has been assessed in accordance with the provisions of the following relevant planning documents:

### **8.1 Crown development applications (Section 116).**

The applicant for the DA is the Australian Customs Service. Accordingly, the proposal is development under Section 116 of the Environmental Planning and Assessment Act (Crown development) (see Section 10.1.1 below).

### **8.1 Randwick Local Environmental Plan 1998**

The site is zoned Port Botany 4B under Randwick Local Environmental Plan 1998 and the proposed activity, is permissible with Council's consent.

The following relevant numerical control applies to the proposal:

<b><i>Industrial</i></b>			
<b><i>Clause No.</i></b>	<b><i>Requirement</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
32 – FSR	1:1	0.32:1 (combined existing and new floor area)	Yes

In addition, the following clauses are relevant to the proposal (and are addressed in detail in Section 10.1 below):

- Clause 36 (4) Additional development in industrial zones
- Clause 37 Development in the Port Botany industrial area
- Clause 40 Excavation and filling of land
- Clause 40A Master plans
- Clause 42B Contaminated land

## **8.2 Relevant State Environmental Planning Policies**

Advice has been provided from the Major Development Assessment Unit of the Department of Planning (letter dated 16 March 2007) that the subject proposal, involving expansion of the existing ACS Container Examination Facility (which was previously approved by the Department as a State Significant Development), does not meet the requirements of State Environmental Planning Policy (Major Projects). Accordingly, Council is the consent authority for the subject DA.

State Environmental Planning Policy No. 55 - Remediation of Contaminated Land applies to the subject proposal as assessed in section 10.1.2.1 below.

## **9. POLICY CONTROLS**

The following Council policy controls apply to the proposed development.

*DCP No. 13 – Bunnerong Power Station Site (not repealed)*

*DCP – Parking*

## **10. ENVIRONMENTAL ASSESSMENT**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

### **10.1 Statutory Controls – S79C(1)(a)**

#### **10.1.1 Crown development applications (Section 116).**

The proposal is development under Section 116 of the Environmental Planning and Assessment Act (Crown development).

A Consent authority, in respect of a development application made by or on behalf of the Crown or a prescribed person, must not:

- (a) refuse its consent to the application, except with the written approval of the Minister, or
- (b) impose a condition of its consent, except with the written approval of the Minister or applicant.

As the proposed consent for this application will impose a number of conditions to ensure that the development complies with all controls and relevant standards, these conditions have been referred to the applicant for concurrence. The Australian Customs Service has responded to the draft conditions of consent and given its concurrence.

### **10.1.2 Randwick Local Environmental Plan 1998**

The proposed activity, comprising building extensions to accommodate additional operational and administrative uses associated with the existing Port-related Container Examination Facility, is permissible in the Industrial 4B zone under the Randwick Local Environmental Plan 1998 with Council's consent.

#### **Clause 36 (4) Additional development in industrial zones**

Clause 36(4) requires proposed developments within zones No. 4A and 4B to consider the Port Botany Landuse Safety Study 1996 prepared by DUAP. The proposal is primarily for the extension of the existing Container Examination Facility to house additional Customs-related operation and administrative functions and does not involve the production and/or handling of hazardous and/or offensive products. As such the proposal will have minimal, if no, impact on existing cumulative risk levels as defined in the Port Botany Landuse Safety Study 1996.

#### **Clause 37 Development in the Port Botany industrial area**

Clause 37 requires that any proposed development must be suited to being in close proximity to Port Botany and must not affect the continued operation of the Port. The proposal will support the current activities of Port Botany by providing close and efficient container examination services to the existing port precinct warehousing and container storage uses.

#### **Clause 40 Excavation and filling of land**

Clause 40 of the RLEP contains provisions for undertaking of excavation and filling of land. The proposal will not involve any significant earthworks with existing levels remaining largely intact as shown on plans and as advised by the applicant in the Statement of Environmental Effects. Accordingly, the proposed works will not result in any significant impact on the topography of the site, and is unlikely to interrupt the drainage patterns of the site or result in soil instability. Accordingly, the proposal is acceptable in relation to the provisions of Clause 40.

#### **Clause 40A Master plans**

Clause 40A of Randwick LEP requires the preparation and adoption of a master plan for the redevelopment of sites having an area in excess of 4,000 square metres and which must be adopted and in force prior to the grant of development consent. The subject site is 2.66 ha in area.

The applicant has requested a waiver from the requirement of a Master Plan for the following reasons:

*The development is of a minor nature in terms of the established development and site context.*

*The approved development establishes a framework that governs what can be done on the site.*

*Any purpose that might have been served by the Master Plan has effectively been overtaken by the approved development.*

*Adequate information is contained in the submitted documents to enable the application to be reasonably assessed.*

These reasons are considered consistent with the conditions for waiving the requirement for a Master Plan under Clause 40A(2) and therefore are acceptable.

## **Clause 42B Contaminated land**

Clause 42B requires that Council not grant consent to the development of contaminated land within any zone unless, among other things, the contaminated land, after being remediated, is suitable for the intended use. The applicant's environmental consultant, Environ Australia Pty Limited, has provided advice that the site is suitable for its intended use subject to compliance with two site management plans applicable to the site. Conditions will be applied accordingly to ensure that all works in relation to the proposal will be undertaken in accordance with these site management plans and in doing so meet the requirements of Clause 42B.

### **10.1.2 Relevant State Environmental Planning Policies**

#### **10.1.2.1 SEPP 55 –Remediation of Contaminated Land**

This SEPP provides a state wide practice for the remediation of contaminated land. The applicant's environmental consultant, Environ Australia Pty Limited, has provided advice that the site is suitable for its intended use subject to compliance with two site management plans applicable to the site. Conditions will be applied accordingly to ensure that all works in relation to the proposal will be undertaken in accordance with these site management plans and in doing so meet the requirements of SEPP No. 55.

#### **10.1.3 Policy Controls**

##### **10.1.3.1 Development Control Plan No. 13 – Bunnerong Power Station Site**

Development Control Plan No. 13 – Bunnerong Power Station Site has not been repealed and therefore is still applicable over the subject site.

<b>Required</b>	<b>Provided / Proposed</b>	<b>Y / N</b>
<b>1.</b> Landscaping at 10m wide provided on all public road frontages to screen industrial development	<b>1.</b> Submission plans indicate that proposed extension and new carpark will be setback at least 10m from road frontage retaining existing landscaping within the existing setback area.	Yes
<b>2.</b> Industrial development restricted to maximum height of 12m.	<b>2.</b> Maximum height of the proposed extension will be 8m.	Yes
<b>3.</b> Shipping containers not to be stacked more than 3 high and not more than 2 high at periphery of site.	<b>3.</b> Proposal is for building extension to accommodate operational and administrative needs of the existing Container Examination Facility and not container handling or storage.	Yes
<b>4.</b> Applicant to demonstrate that there will be no significant effect on traffic movement in the area.	<b>4.</b> A traffic study has been prepared generally indicating that traffic impacts of the proposal will be acceptable (see Section 10.2.4 below).	Yes

<b>Required</b>	<b>Provided / Proposed</b>	<b>Y / N</b>
5. Significant adverse noise impact should be avoided including curfew on truck movements between 11pm and 6am.	5. Proposal is only for operational and administrative uses associated with the existing Container Examination Facility and not industrial uses or container handling or storage.	Yes
6. Compliance with risk acceptability criteria.	6. The proposal relates to operational and administrative uses associated with the existing Container Examination Facility and not the manufacture, handling, and storage of hazardous goods.	Yes

### **10.1.3.2 Development Control Plan - Parking**

The DCP – Parking states that parking requirements for facilities associated with the port are to be assessed on the basis of transport surveys. A Traffic Report has been prepared for the proposal which contains an analysis of the carparking requirements of the combined existing and proposed development in relation to the retained existing, and additional new, carparking in the proposed development. The report indicates that the total combined carparking requirement of the proposal (ie., staff and visitors for the existing and proposed development) will be 102 carparking spaces. The proposal will provide a total of 119 car spaces on-site which will result in an excess of 17 carspaces. Accordingly, the proposal provides for adequate carparking on-site.

## **10.2 Likely impact of the development - S79C(1)(b)**

### **10.2.1 Natural Environmental Impacts**

The subject site is unlikely to contain any habitat for any flora and/or fauna species as the subject site is predominantly paved and built-upon by the existing Container Examination Facility. Vegetated parts of the site are contained in landscaped areas along the Bumborah Point Road frontage which the applicant advises in the Statement of Environmental Effects will not be affected by the proposal.

### **10.2.2 Built Environmental Impacts**

#### **10.2.2.1 Urban Design**

The proposed two-storey extension will have a maximum height of approximately 8m which will be lower than higher roof-lines of the existing examination warehouses and customs store. The proposed extension will be constructed predominantly in split-face blockwork with framed windows and colour bond gutters and roof-sheeting. Door openings will be metal-framed glazed elements with adjoining decorative blockwork to provide interest and definition. No sample board of the external colours, textures and materials has been submitted with the application and a condition will be applied requiring the submission of one should approval be granted.

The overall external design treatment is not considered dissimilar to that of the existing warehousing examination and storage buildings in the complex. The proposed landscaping to the boundaries of the site will remain unchanged and will visually soften the appearance of the proposed building and parking areas from the

adjacent street frontages and adjoining properties. Overall, the proposed building extension will not be visually intrusive or dominant especially given that they will occur internally within the subject site away from the Bumborah Road frontage and will be compatible in appearance with the existing Container Examination buildings.

The proposal is considered unlikely to adversely affect the heritage significance of the Botany Cemetery and the Crematorium building to the east as these items are located on the higher ground behind the subject site at a considerable distance away.

### **10.2.3 Impact on adjoining development**

The subject site is located approximately 2 km away from the closest residential area to the north east. As such, the proposed expanded Container Examination Facility will have no impact in terms solar access, privacy and views on any residential properties.

The overall bulk, scale and visual appearance of the proposed extension are considered satisfactory in the context of the existing building on-site and surrounding port uses.

### **10.2.4 Traffic and access**

The proposal will not change the existing separate access/egress arrangements for trucks and cars off Bumborah Point Road. However, internal circulation will be reconfigured with the extension of the existing main building. Appropriate conditions have been applied to ensure internal circulation is maintained and managed appropriately.

A Traffic Report has been prepared for the proposal to examine the potential traffic generation of the development and the impacts this traffic will have on road conditions in the vicinity of the site. The report includes a comparison of existing operational traffic conditions with forecasted operational traffic generation. The report also refers to the existing public bus services along Bumborah Point Road.

The report advises that the expected level of traffic generation has been derived for the proposed development from staff roster and visitor details. This analysis indicates that a peak arrival rate of 17 inbound vehicles will occur between 7:30 am to 8am and 17 outbound vehicles during 5pm to 5:30pm. This equates to 1 arriving/departing vehicle every 106 seconds during the respective morning and evening peak period which is a moderately low traffic generation rate. The Report further advises that this level of traffic will have a negligible effect on the performance of nearby intersections and driveways, which will continue to operate at the existing good level of service (Levels of Service (LOS) ratings ranging from A to B at immediate surrounding intersections). Accordingly, the level of traffic generated will be readily absorbed by the surrounding road network with minimal impact in terms of traffic flow efficiency and road safety considerations. As such, no intersection or driveway improvement measures are required as a consequence of the subject development, on the basis of traffic flow efficiency and road safety considerations. Council's Development Engineer, in consultation with Council's Traffic Engineer, finds the traffic analysis acceptable subject to relevant conditions relating to access and design should approval be granted.

In summary, the increase in traffic generation (arising exclusively from staff increases in the proposed development) is not considered to have a significant traffic impact on the adjacent classified road network.

### **10.2.5 Ecologically Sustainable Development**

The proposal will make efficient use of industrial land within Port Botany by centralising and co-locating the proposed additional Customs operational and administrative functions with the existing Container Examination Facility. In the broader port area, the proposal will make efficient use of industrial land within the subject site by being closer to the relevant container handling activities of the port, which, in turn, assists in reducing scale inefficiencies in terms of transportation thus contributing, overall, towards ecological sustainability.

### **10.2.6 Site Remediation**

The applicant's environmental consultant, Environ Australia Pty Limited, has provided advice that the site is suitable for its intended use subject to compliance with two site management plans applicable to the site. Conditions will be applied accordingly to ensure that all works in relation to the proposal will be undertaken in accordance with these site management plans and in doing so meet the requirements of SEPP No. 55.

### **10.5 Social and Economic Impacts – S79C(1)(b)**

The proposal will have a positive social and economic impact primarily as a consequence of the increased employment opportunities that will be available from the construction and operation stages of the proposed development and from the overall development of infrastructure in the subject site.

Overall, the proposal is considered to present a positive social and economic impact within the site and locality.

### **10.6 Suitability of the site – S79C(1)(c)**

The subject site is located within Port Botany and is zoned for industrial port-use (Industrial 4B). The subject site has an approved Container Examination Facility which the subject proposal seeks to expand through additional related Customs operations and administrative functions. In this context, the subject site is suitable for the proposed development.

### **10.7 Any submissions made – S79C(1)(d)**

The proposal has been notified and advertised for a period of 14 days between 7 February 2007 and 21 February 2007 in accordance with the DCP – Public Notification of Development Proposals and Council Plans. No submissions were received.

### **10.8 The public interest – S79C(1)(e)**

The proposed development is consistent with the zoning of the subject site and will strengthen the role of Port Botany by facilitating continued container examination services and other Customs support services in the port sector. It will also provide increased employment opportunities both locally and in the wider Sydney Region. As a consequence, the proposal will have a positive social and economic benefit and is considered to be in the wider public interest.

## **11 RELATIONSHIP TO CITY PLAN**

The relationship with the City Plan is as follows:

### **11.1 Outcomes**

**Outcome 8 : A Strong Local Economy** – The proposal promotes a vibrant and secure port industrial sector through specifically, the port-related container examination activities, which additionally will provide ongoing and diverse economic and employment opportunities.

### **11.2 Directions and Actions**

**Direction 8a & associated key action : Industrial land within our City supports a range of industries and employment opportunities.** –The proposal will augment the economic base of the port and specifically in the warehousing and container handling sector which will in turn support local businesses and employment.

## **12. FINANCIAL IMPACT STATEMENT**

There is no direct financial impact for this matter.

## **11. CONCLUSION**

The proposal is permissible in the Industrial 4B zone with Council's consent and complies with the relevant statutory controls in the Randwick LEP 1998.

Adequate carparking will be provided in compliance with the DCP – Parking.

The subject site is located at a significant distance from residential properties and will therefore have no amenity impacts on any residential properties.

The proposal is a Crown Application, requiring concurrence of the Australian Customs Service to the condition of consent. This has been received from the ACS and the agreed conditions applied as recommended.

The application is recommended for approval.

### **RECOMMENDATION:**

- A. THAT Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/053/2007 for the alterations and additions to the existing Australian Customs Service (ACS) Container Examination Facility comprising extensions to the main existing building on-site and alterations to carparking at 13 Bumborah Point Road, Port Botany, subject to the following conditions:
1. The development must be implemented substantially in accordance with the plans numbered DA 01 to DA 07 stamped received by Council on 23 January 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. The development must be implemented substantially in accordance with the requirements detailed in the letter granting landowner's consent to the lodgement of the subject development application from Sydney Ports Corporation dated 21 December 2006.

**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:**

3. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

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

4. All works are to be undertaken in accordance with "Revision 7 Site Management Plan for the Bunnerong Power Station Site, Lots 11,20,21,22 and 23 Bumborah Point Road, Port Botany" dated 25 November 2003, prepared by URS.
5. All works are to be undertaken in accordance with the "Australian Customs Facility – 15 Bumborah Point Road Port Botany – Site Management Plan" dated December 2002, prepared by Johnstone Environmental technology.
6. Prior to works commencing, the contractor must provide a Work Method Statement to the applicant and Council which acknowledges in writing that the "Australian Customs Facility – 15 Bumborah Point Road Port Botany – Site Management Plan" dated December 2002, prepared by Johnstone Environmental technology and the "Revision 7 Site Management Plan for the Bunnerong Power Station Site, Lots 11, 20, 21, 22 and 23 Bumborah Point Road, Port Botany" dated 25 November 2003, prepared by URS and has been read and understood.
7. Site works and remediation must be carried out in accordance with the following general requirements (as applicable):
  - a) Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA) and the NSW Department of Infrastructure Planning & Natural Resources (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
  - b) Any requirements contained within the Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and Council must be consulted with prior to the development of an additional EMP.
  - c) Any remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.
  - d) Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and

- e) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DEC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements, the latter shall prevail.
- f) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.
- g) On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Health, Building & Regulatory Services.
- h) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.
- i) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- j) Remediation work shall be conducted within the following hours:
- Monday – Friday 7am – 5pm
  - Saturday 8am – 5pm
  - No work permitted on Sundays or Public Holidays
- k) A sign displaying the contact details of the contractors (and the site manager if different to contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the works.
- l) Any new information which comes to light during works, (including any remediation, demolition or 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.
8. A Validation Report shall be prepared by a suitably qualified independent Environmental Consultant and be submitted to Council upon completion of the works. Confirmation shall be provided to Council (in writing) that the works have been undertaken in accordance the relevant Site Management Plans, as per the letter from ENVIRON Australia, Graeme Nyland, dated 17 April 2007 and relevant DA conditions prior to occupation certificate being issued.
9. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*

- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*
- *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

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

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

- a) \$1000.00 - Damage / Civil Works Security Deposit

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

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
- Completion of the civil works as conditioned in this development consent by Council.

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

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

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

11. Prior to commencement of site construction works the applicant must engage a suitably qualified traffic consultant to prepare a detailed traffic management plan specifically relating to circulation of staff and visitor vehicles within the development site. In particular, the plan shall cover the movement of vehicles along the southern side of the new extension, (the travel aisle narrows to 4 metres within this area), and the area north of the existing examination warehouse and customs store where there are potential private vehicle / truck conflict points. The traffic management plan, (including any signposting, mirrors and linemarking), must be fully operational prior to occupation of the new extension.
12. The proposed car park areas, (dimensions of individual spaces, gradients, aisle widths etc), must comply with the relevant provisions of as 2890.1-2004. The construction plans for the proposed development must demonstrate compliance with this requirement.

13. 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.
14. Prior to the issue of a construction certificate, the applicant shall submit for approval, and have approved by Council's Traffic Engineer, a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

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

15. 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.
16. 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.
17. 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.
18. 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.
19. 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](http://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 obtained prior to the commencement of site construction works.**

The Section 73 Certificate must be obtained prior to occupation of the development.

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

20. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage for the redeveloped portion of the site shall be prepared prior to commencement of site construction works. A copy of the engineering calculations and plans are to be forwarded to Council prior to commencement of site construction works. 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.
  - h) The location of any existing overland stormwater flow paths through the site and any localized low points within / immediately adjacent to the development site.
  - i) The location of any existing stormwater pipelines and / or drainage easements within the development site.

21. 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.
22. All stormwater draining from the redeveloped portion of the site, (i.e. from the extension to the southern side of the existing main building), must be discharged to the existing 650 mm diameter pipeline located along the eastern side of the existing customs store.
23. The floor level of all new habitable and storage areas adjacent to any localised low point within the site or stormwater overland flow path through the site must be a minimum of 300mm above the maximum water level for storms up to the 1 in 100 year storm event. Similarly, new car park areas adjacent to any localised low point within the site or stormwater overland flow path through the site must be a minimum of 150mm above the maximum water level for storms up to the 1 in 100 year storm event. The applicant's hydraulic consultant must certify compliance with this requirement prior to the commencement of any site construction works.
24. Prior to the commencement of site construction works the applicant's hydraulic engineer must certify that vehicles parked in car spaces 28 to 34 inclusive will not be adversely affected by the flow of stormwater within the existing 1200mm wide dish drain or impede the flow of stormwater through the site.
25. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
26. 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 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.

27. Prior to occupation the applicant shall submit to 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.

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

28. Prior to the commencement of site construction works 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.

29. All 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. All waste storage areas shall be clearly signposted.

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

30. 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.

31. 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.

32. 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.

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

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- iii) notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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.

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the

Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

35. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
36. 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.

37. 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.

38. 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:**

39. 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.
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](http://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. Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.
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 water management plan* and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

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

Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

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

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

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

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from

Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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 provide access and facilities for people with disabilities:**

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

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

60. 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).
61. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
  - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - *Protection Of the Environment Operations Act 1997 (NSW) and*
  - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
62. 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.
63. 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.

64. All site works shall comply with the occupational health and safety requirements of Work Cover NSW.
65. The installation, storage and handling of flammable and combustible liquids and the like as applicable must comply with Australian Standards AS 1940:1993 The Storage and Handling of Flammable and Combustible Liquids and must be licensed by WorkCover NSW. If applicable, a copy of the compliance certificate and WorkCover NSW Dangerous Goods licence being submitted to Council before occupation of the premises.
66. Any wash bay area or the like shall 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.
67. The installation, storage and handling of flammable and combustible liquids and the like must comply with Australian Standards AS 1940:1993 The Storage and Handling of Flammable and Combustible Liquids and must be licensed by WorkCover NSW. A copy of the compliance certificate and WorkCover NSW Dangerous Goods licence being submitted to Council before occupation of the premises.
68. The 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.
69. Open parking areas must drain to a storm water treatment device capable of removing litter, oil, grease and sediment prior to discharge to the storm water system complying with:
  - Environmental Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution); and
  - Environmental Protection Authority's Managing Urban Storm water: treatment techniques;
  - Council's Storm water Management Policy and conditions of consent.
  - Storm water treatment device(s) must be maintained at all times to Council's satisfaction.
70. Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course, stormwater or sewerage drainage systems.

Full details of the proposed pollution control devices to be installed are to be submitted to and approved by Council's Director of Planning & Community Development in accordance with Section 80 A(2) of the *Environmental Planning and Assessment Act 1979*, **prior to a construction certificate being issued** for the development.
71. Sign(s) being displayed and maintained adjacent to all stormwater drains on the premises, clearly indicating "clean water only – NO waster water or rubbish".
72. Covered, bunded work areas, including the wash bay, shall be graded into collection sumps and/or grated drains so that surface effluent generated within

the subject work area is directed into a dedicated drainage system for treatment, storage and disposal. If liquid wastes are to be disposed of to the sewer, a Trade Waste Agreement from Sydney Water is to be obtained.

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

### **Advisory Conditions**

1. 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.
2. In accordance with the Site Management Plan (SMP) "Revision 7 Site Management Plan for the Bunnerong Power Station Site, Lots 11, 20, 21, 22 and 23 Bumborah Point Road, Port Botany" dated 25 November 2003, prepared by URS, The applicant is required to obtain a permit from Sydney Ports Corporation for excavation works. Intrusive works require the submission of an Environmental Management Plan with the permit application. In addition, a Safe Work Method Statement and an Occupational Health and Safety Management Plan must be prepared prior to works commencing.
3. The SMP (as referred to in Advisory Condition No. 2 above) shall include an outline of requirements for stockpiling of materials, reinstatement of excavations and disposal of soil.
4. The SMP (as referred to in Advisory Condition No. 2 above) requires a survey and notification to Sydney Ports Corporation of the completed works
5. In accordance with the "Australian Customs Facility – 15 Bumborah Point Road Port Botany – Site Management Plan" dated December 2002, prepared by Johnstone Environmental technology, the applicant shall ensure the proposed works are conducted following the relevant protocols and procedures regarding appropriate analysis, classification and disposal of materials; safe work methods, monitor and validation of material being imported to the site as uncontaminated.

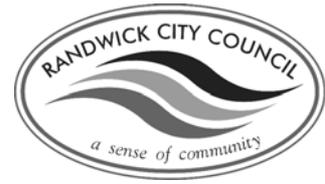
### **ATTACHMENT/S:**

Nil

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
DAVID ONGKILI  
ENVIRONMENTAL PLANNING  
OFFICER

## ***Director, City Planning Report 25/2007***



<b>SUBJECT:</b>	28 Bell Street, MAROUBRA		
<b>DATE:</b>	8 May, 2007	<b>FILE NO:</b>	DA/269/2006 & PROP029039

**REPORT BY:** DIRECTOR, CITY PLANNING

### **INTRODUCTION:**

Attached is Development Application Report for Section 96 Modification to lower the roof of the garage and provide new entry door and window within the eastern elevation of the garage.

### **RECOMMENDATION:**

That Council consider and determine the Section 96 application in accordance with the recommendations contained in the attached report.

### **ATTACHMENT/S:**

Development Application Report dated 20 April 2007.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER

# Development Application Report



**REPORT BY:** DIRECTOR, CITY PLANNING

<b>DATE:</b>	20 April 2007	<b>FILE NO:</b>	DA/269/2006 & PROPO29039
--------------	---------------	-----------------	--------------------------

**PROPOSAL:**

Section 96 Modification to lower the roof of the garage and provide new entry door and window within the eastern elevation of the garage.

**PROPERTY:**

28 Bell Street, MAROUBRA

**WARD:**

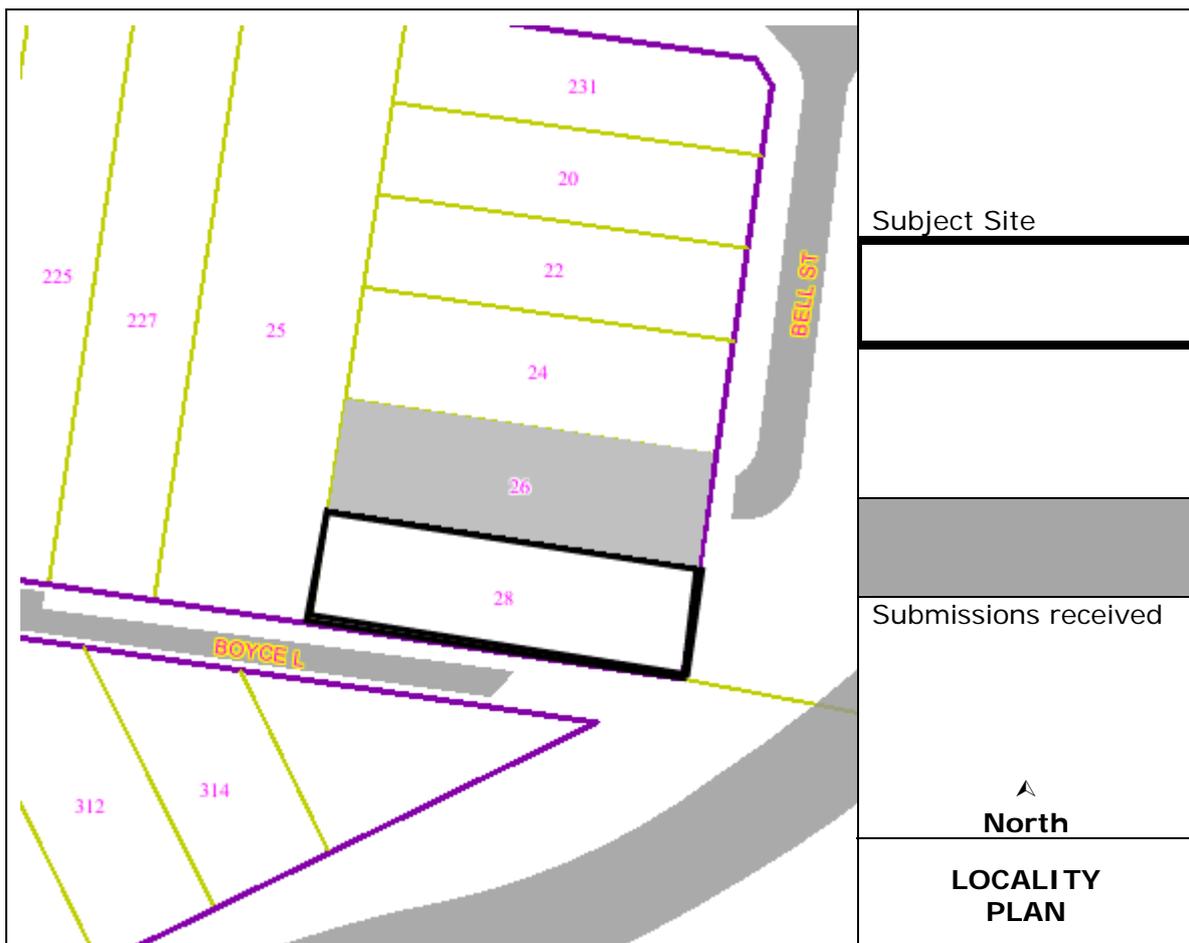
Central Ward

**APPLICANT:**

Macgillviray Architects

**OWNER:**

Mr A L Johnson & Mrs L F Johnson



## 1. EXECUTIVE SUMMARY

The application is for Section 96 - Modification of Development Consent 269/06 by lowering the garage roof and providing a new entry door and window within the eastern elevation of the garage.

The application is referred to Council for determination at the request of Councillors Bastic, Tracey and Sullivan.

An objection has been received on behalf of the adjoining property owners at 26 Bell Street raising concerns that the garage roof will be used as an outdoor recreation area.

The application is recommended for approval subject to a condition deleting the balustrade and restricting the use of the garage roof.

## 2. THE PROPOSAL

The proposed modification seeks consent to lower the roof of the existing garage within the rear yard by 800mm and to provide a new entry door and window within the eastern elevation of the garage.

## 3. THE SUBJECT SITE AND SURROUNDING AREA:

The subject site is located on the western side of Bell Street adjacent to Boyce Lane and Maroubra Road, the site is elevated above Bell Street and Maroubra Road and there is no vehicular access from Bell Street, vehicular access is via Boyce Lane at the southern side of the property. The site has a frontage width of 12.19m, a side boundary depth of 40.235m and has an overall site area of 490m<sup>2</sup>, the site falls from the rear to the front with a difference in levels of up to 7m. The locality is residential in nature and contains a variety of older and contemporary dwellings and multi unit housing development. The properties on the western side of Bell Street enjoy extensive uninterrupted panoramic coastal views of Maroubra Beach and Malabar Headland directly to the south and east.

## 4. SITE HISTORY

Approval was granted to the original development application at the Health Building and Planning Committee meeting of the 8<sup>th</sup> August 2006.

## 5. SECTION 96 ASSESSMENT:

Under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, Council may only agree to a modification of an existing Development Consent if the development is substantially the same development. The proposed modification to the consent is relatively minor in scope of the original approved development and will result in the development being substantially the same development. Consideration of any submissions under Section 96 is provided below.

## 6. COMMUNITY CONSULTATION:

### D Cassell & J Wade on behalf of the owners of 26 Bell Street Maroubra

Issue	Comment
Lowering the garage roof will enable it to	The applicant has by letter amended the

O:\Business Papers\MINUTES\_AGENDAS\2007Minutes\_Agendas\Ordinary\5-22 Business Paper - no conf.doc  
ITEM 8.2

be accessible which may lead to a loss of privacy and noise nuisance if the roof is used for entertainment.

The accessible deck should be included in the floor space ratio calculations of the whole dwelling.

There is an inconsistency in the application documents in that the roof of the garage is referred to as being both accessible and inaccessible.

roof design to delete the reference to the handrail surrounding the roof and notes that the roof is non trafficable. A condition of consent is included to reflect this amendment.

The garage roof is not considered as a deck, being non trafficable with no balustrade. and therefore does not fall within the definition of a deck.

A condition of consent is recommended to reflect the applicants request received after the lodgement of the application to delete the balustrade to the garage roof and note that the garage roof is non trafficable.

## 7. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

The site is zoned 2A under Randwick Local Environmental Plan 1998 and the proposed activity is permissible with Council's consent and is generally consistent with the general aims of RLEP 1998 and the specific objectives of the zone in that the proposed activity and built form will enhance and compliment the aesthetic character, environmental qualities and social amenity of the locality.

## 8. ENVIRONMENTAL ASSESSMENT

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

### 8.1 PRIVACY

The modifications to the existing garage at the rear of the property will not result in any potential adverse impacts upon the amenity of any of the adjoining properties, subject to the garage roof not being used as an outdoor recreation area and remaining non-trafficable.

## 9. RELATIONSHIP TO CITY PLAN

The relationship with the City Plan is as follows:

**Outcome:** Excellence in urban design and development.

**Direction** Improved design and sustainability across all development.

## 10. CONCLUSION

The proposed modification to the approved plans complies with the relevant assessment criteria and the objectives and performance requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies and will not result in any significant additional adverse impacts upon either the amenity of the adjoining premises or the character of the locality

### RECOMMENDATION:

**THAT** Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify

Development Consent No DA/269/06 for permission to carryout alterations and additions to the dwelling in the following manner:-

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

The development must be implemented substantially in accordance with the plans numbered 4.315-1a, 4.315-2a, 4.315-3 to 4.315-9 inclusive, dated 7/3/2006 and received by Council on the 12<sup>th</sup> April 2006 the application form and on any supporting information received with the application, as amended by the ***Section 96 plans dated 4.315-1e, 4.315-2e, 4.315-3b, received by Council on the 9<sup>th</sup> October 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, and the following conditions:***

**2. Add the following Condition:**

47. The garage roof shall be non-trafficable and must not be used as an outdoor recreation area. The balustrade shown to the garage roof shall be deleted from the plans Nos. 4.315-1e, 4.315-2e and 4.315-3b dated 7 March 2006 and received by Council on 9 October 2006.

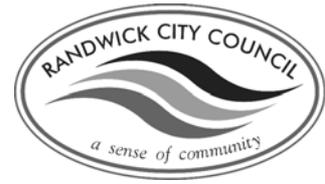
**ATTACHMENT/S:**

Nil

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER

## ***Director, City Planning Report 26/2007***



<b>SUBJECT:</b>	8 Tucabia Street, South Coogee
-----------------	--------------------------------

<b>DATE:</b>	8 May, 2007	<b>FILE NO:</b>	DA/910/2006 & PROP002756
--------------	-------------	-----------------	-----------------------------

**REPORT BY:** DIRECTOR, CITY PLANNING

### **INTRODUCTION:**

Attached is Development Assessment Report for alterations and additions to dwelling including new swimming pool and garage.

### **RECOMMENDATION:**

That Council consider and determine the development application in accordance with the recommendations contained in the attached report.

### **ATTACHMENT/S:**

Development Application Report dated 19 April 2007.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER

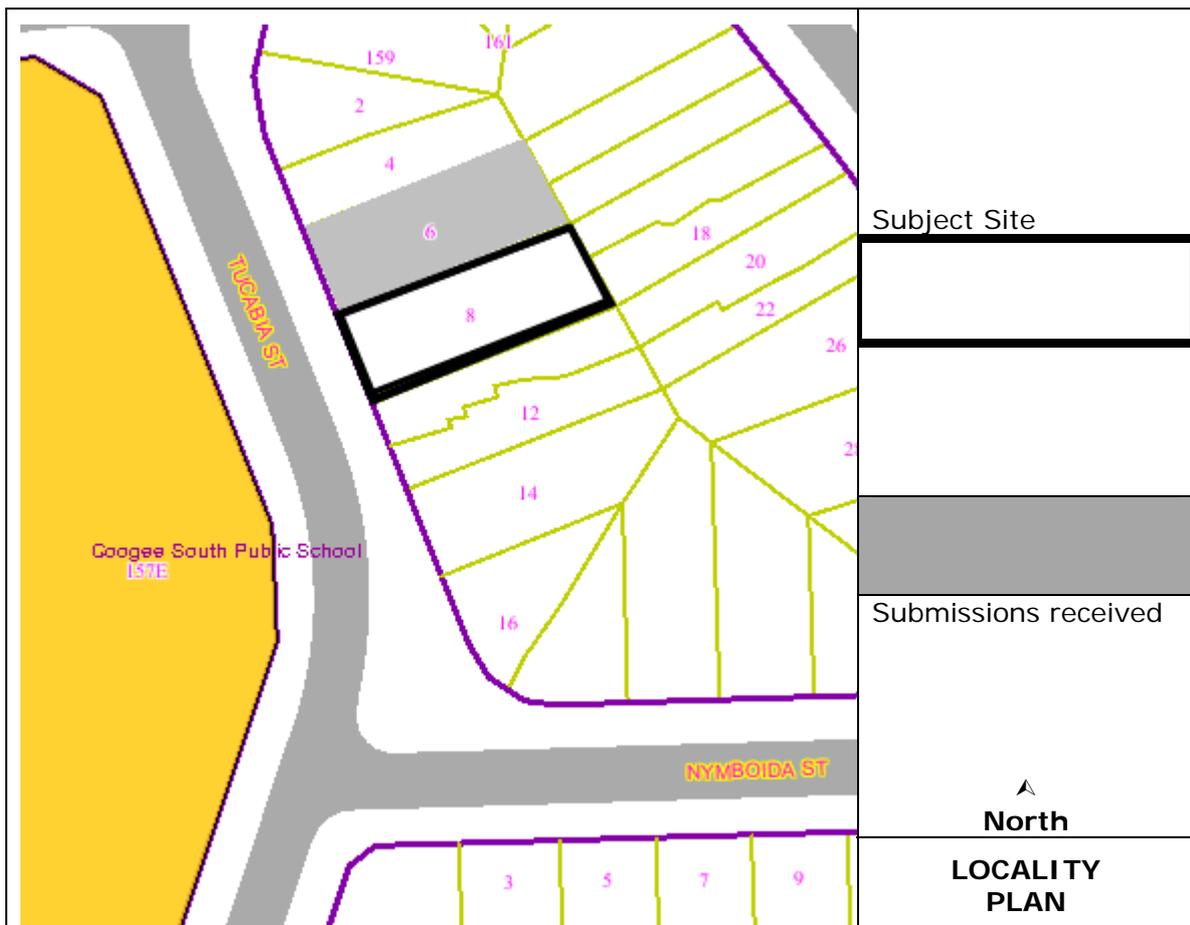
# Development Application Report



**REPORT BY:** DIRECTOR, CITY PLANNING

<b>DATE:</b>	19 April 2007	<b>FILE NO:</b>	DA/910/2006 & PROP002756
--------------	---------------	-----------------	--------------------------

<b>PROPOSAL:</b>	Alterations and additions to dwelling including new swimming pool and garage.
<b>PROPERTY:</b>	8 Tucabia Street, South Coogee.
<b>WARD:</b>	Central Ward
<b>APPLICANT:</b>	J N Maitland Associates Architects Pty Ltd
<b>OWNER:</b>	Mr B C Thorsby & Mrs G M Thorsby



## 1. EXECUTIVE SUMMARY

The application is referred to Council for determination at the request of Councillors Andrews, Tracy and Sullivan.

The application details a new garage, in ground swimming pool and landscaping.

The main issue is the impact upon the amenity of the adjoining property at No. 6 Tucabia Street, in terms of visual bulk and scale, loss of daylight and potential damage during construction.

The application is recommended for approval subject to conditions.

## 2. THE PROPOSAL

The application details the erection of a masonry, tile and metal roof garage and laundry attached to the northern side of the dwelling and sited up to the northern side boundary. An in ground swimming pool and spa is to be installed to the rear yard along the rear eastern boundary, the swimming pool has dimensions of 3.5m x 10.8m and sited 900mm from the rear boundary. It is also proposed to install perimeter landscaping to the perimeter of the site and construct a new entry to the dwelling. The proposed works do not provide for any additional floor area to the dwelling.

## 3. THE SUBJECT SITE AND SURROUNDING AREA:

The subject site is on the eastern side of Tucabia Street and has a site frontage of 13.715m an depth of up to 38.26m and site area of 514m<sup>2</sup>. The site falls from the street frontage to the rear with a difference in level of up to 2.5m. The locality is residential in nature and contains a mixture of single and two storey semi detached and free standing dwellings.

## 4. COMMUNITY CONSULTATION:

The proposal has been notified in accordance with the DCP – Notification The following submission was received:

### T Murray & C Saunders of 6 Tucabia Street Coogee

#### Issue

The garage structure is less than 900mm from the side boundary and protrudes outside of the building height plane.

The garage structure includes a laundry and there are concerns as to noise from equipment.

There will be decreased loss of light to a bedroom due to the height of the structure.

The development will require digging and drilling or piers which could cause structural damage to their property.

The plans do not include the location of the swimming pool pump or noise abatement measures.

#### Comment

The garage is proposed to be sited up to the northern side boundary. There is no building height plane in the DCP for Dwellings.

The proposed laundry and use of the laundry is consistent with the domestic use of the property, and also noise attenuation would be provided by the masonry wall of the laundry upon the boundary.

The proposed garage is sited directly to the south of the objector's property and will not have any significant impact upon light to their dwelling.

Conditions of consent are included to require that the site be properly retained during and after building works.

Conditions of consent include that the swimming pool pump and equipment be enclosed in an acoustic enclosure, and

<b>Issue</b>	<b>Comment</b>
Are any trees affected by the proposal.	also specify maximum noise levels.  Trees within the adjoining property at the rear may be affected by the excavation for the proposed swimming pool and a condition of consent is recommended to site the proposed swimming pool a minimum of 1500mm from the rear boundary to ensure the on going health of those trees.
No details of existing stormwater disposal are provided on the plans.	A condition is included in the recommendation regarding stormwater drainage.
No provision is made for a rainwater tank.	The scope of works does not attract the requirement for the installation of a rainwater tank as part of the development.
Has consideration been given to the position of the sewage line along the back of the property.	Separate approval from Sydney Water is required prior to commencement of building works.

## **5. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

The site is zoned 2A under Randwick Local Environmental Plan 1998 and the proposed activity is permissible with Council's consent. The proposal is consistent with the general aims and objectives of the RLEP in that the development will not compromise the amenity of the surrounding residents and will be compatible with the dominant character of the area.

## **6. ENVIRONMENTAL ASSESSMENT**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

### ***Development Control Plan - Dwelling Houses and Attached Dual Occupancies***

The DCP for Dwelling Houses and Attached Dual Occupancies states that a proposal is deemed to satisfy the Objectives and Performance Requirements of the DCP if it complies with the corresponding Preferred Solutions. Therefore, the tables below assess the proposal against the Preferred Solutions, and where non-compliance results, assessment is made against the relevant Objectives and Performance Requirements.

#### **Landscaping**

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	40% of the total site area is provided as landscaped area.	50% of the site is landscaped area. Complies.
S1	A minimum of 25m <sup>2</sup> of useable private open space is to be provided.	The rear yard has an area of 150sqm. Complies.

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	Each dwelling must provide an area of private open space capable of containing a rectangle of minimum dimensions of 3m x 4m with minor changes in level.	The above area has dimensions of 11m x 13.5m. Complies.
S1	Private open space in the front yard area is located behind the building line.	The above area is located in the rear yard. Complies.
S6	20% of the total site area has permeable treatment.	30% of the site is permeable. Complies.

### **Building Setbacks**

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	Front setback is average of adjoining dwellings or 6m.	The garage is in line with the façade of the dwelling and will not detract from the streetscape. Complies.
S3	Side setbacks be 900mm for any part of the building at ground level.	The proposed garage is attached to the dwelling and is sited up to the northern side boundary, see assessment below.

The Objectives and Performance Requirements of the DCP seek to ensure that there is adequate access to sunlight, daylight and fresh air to building occupants and neighbours; and with respect to front boundary setbacks the proposal generally conform to the adjoining development or dominant streetscape.

The position of the proposed garage up to the side boundary is similar to other garages and carports to other dwellings in the immediate locality and in this instance there will not be any significant impact upon sunlight and daylight to the adjoining dwelling to the north as the garage wall is sited on the southern side of the property at No.6 Tucabia Street. The Objectives and Performance Requirements of the DCP are therefore satisfied.

### **Garages & Driveways**

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	Council's Parking DCP requires 1 space, for dwellings with 2 bedrooms or less, or 2 spaces, for dwellings with 3 bedrooms or more.	The proposed dwelling has parking for 2 cars. Complies.
S1	Driveways have minimum width of 3m and are set back at least 1m from the side boundary.	Existing driveway.
S1	Driveways have a maximum width of 3m at the property boundary.	Existing driveway.
S1	Driveway gradients should not exceed a maximum of 1 in 8 for the first 5m from street alignment and 1 in 6 thereafter.	Existing driveway.
S2	Garages and carports located behind the building line where parking only available from the front of the site.	The proposed garage is located behind the building line. Complies.

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S2	Driveways, car parking spaces and structures do not occupy more than 35% of the width of the allotment	The proposed garage occupies about 30% of the width of the site frontage. Complies.
<b>Solar Access and Energy Efficiency</b>		
	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S2	Private open space receives at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June.	The rear yard will receive at least 3 hours of sunlight. Complies.
S2,8	North-facing windows to living areas receive at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June.	The proposal includes north-facing windows that will receive at least 3 hours of sunlight. Complies.
S9	Solar access to existing or future solar collectors on adjacent buildings is maintained between 9am and 3pm each throughout the year.	The proposal will not overshadow solar collectors on adjoining properties. Complies.
S9	North-facing windows to living areas of neighbouring dwellings receive at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June. If currently less than 3 hours, it is not further reduced.	The proposal will not reduce solar access to less than 3 hours on north-facing windows. Complies.
S9	Principal outdoor recreation space of neighbouring dwellings receive at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June. If currently less than 3 hours, it is not further reduced.	The proposal will not reduce solar access to private open space to less than 3 hours. Complies.

## 7. RELATIONSHIP TO CITY PLAN

The relationship with the City Plan is as follows:

**Outcome:** Excellence in urban design and development.

**Direction** Improved design and sustainability across all development.

## 8. CONCLUSION

The proposal complies with the relevant assessment criteria and the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies and will not result in any adverse impacts upon either the amenity of the adjoining premises or the character of the locality.

### RECOMMENDATION:

**THAT** Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/910/2006 for permission to construct an in ground swimming pool to the rear of the dwelling, new landscaping and entry to dwelling and new garage sited up to the northern side boundary at 8 Tucabia Street, SOUTH COOGEE 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 O5.B70.0, .01, dated February 2005, and LS/GT dated September 2006 and received by Council on the 20<sup>th</sup> October 2006 and the further details provided in drawing No. O5.B70.0 dated Feb,05, 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 adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

3. The design, materials and colour of the roofing to the proposed building/s are required to match, as closely as possible, the existing roof.
4. 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.
5. There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.

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

6. 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](http://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 group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:**

7. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

8. 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.**

9. 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*.
10. **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.

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.

11. **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.

12. 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.

13. 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".
14. 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.

15. **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.

16. 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.

17. 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:**

18. 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.

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

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

20. 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.
21. 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.

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.

22. 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.

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

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.

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

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

**The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:**

25. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must

bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council.

26. Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and regulations.

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No. 9.4.1; Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation: published by the Australian Resuscitation Council.

27. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -

- Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents; and
- The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
  - before 8.00am or after 8.00pm on any Sunday or public holiday; or
  - before 7.00am or after 8.00pm on any other day.

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

28. 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.
29. 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:**

30. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
31. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
32. 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:**

33. 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.
34. 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.
35. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agent details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and renovating.

Or telephone 13 20 92.

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

36. 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.

37. Stormwater runoff from the site shall be discharged either:
- a) To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR
  - b) Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
  - c) To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area on the site.

Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b)); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

38. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
39. 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 required 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 Randwick City Council's Stormwater Code.

40. All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

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

41. To ensure the ongoing health of the trees in the adjoining property at rear the proposed swimming pool is to be sited a minimum of 1500mm from the rear boundary and plans accompanying the Construction Certificate amended.
42. 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.

43. The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.

#### **ADVISORY MATTERS:**

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

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

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

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

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

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

- A3 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

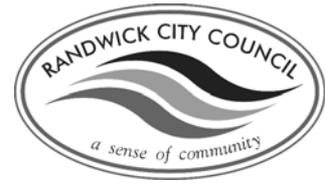
#### **ATTACHMENT/S:**

Nil

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER

## ***Director, City Planning Report 27/2007***



<b>SUBJECT:</b>	89 Storey Street, Maroubra
-----------------	----------------------------

<b>DATE:</b>	7 May, 2007	<b>FILE NO:</b>	DA/954/06 & PROP048438
--------------	-------------	-----------------	------------------------

**REPORT BY:** DIRECTOR, CITY PLANNING

### **INTRODUCTION:**

Attached is a Development Assessment Report for demolition of the existing dwelling and erection of a new two storey dwelling with basement level garage at 89 Storey Street, Maroubra.

### **RECOMMENDATION:**

That Council consider and determine the development application in accordance with the recommendations contained in the attached report.

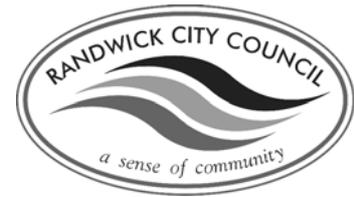
### **ATTACHMENT/S:**

Development Application Report dated 23 April 2007.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PATRICK LEBON  
SENIOR ASSESSMENT OFFICER

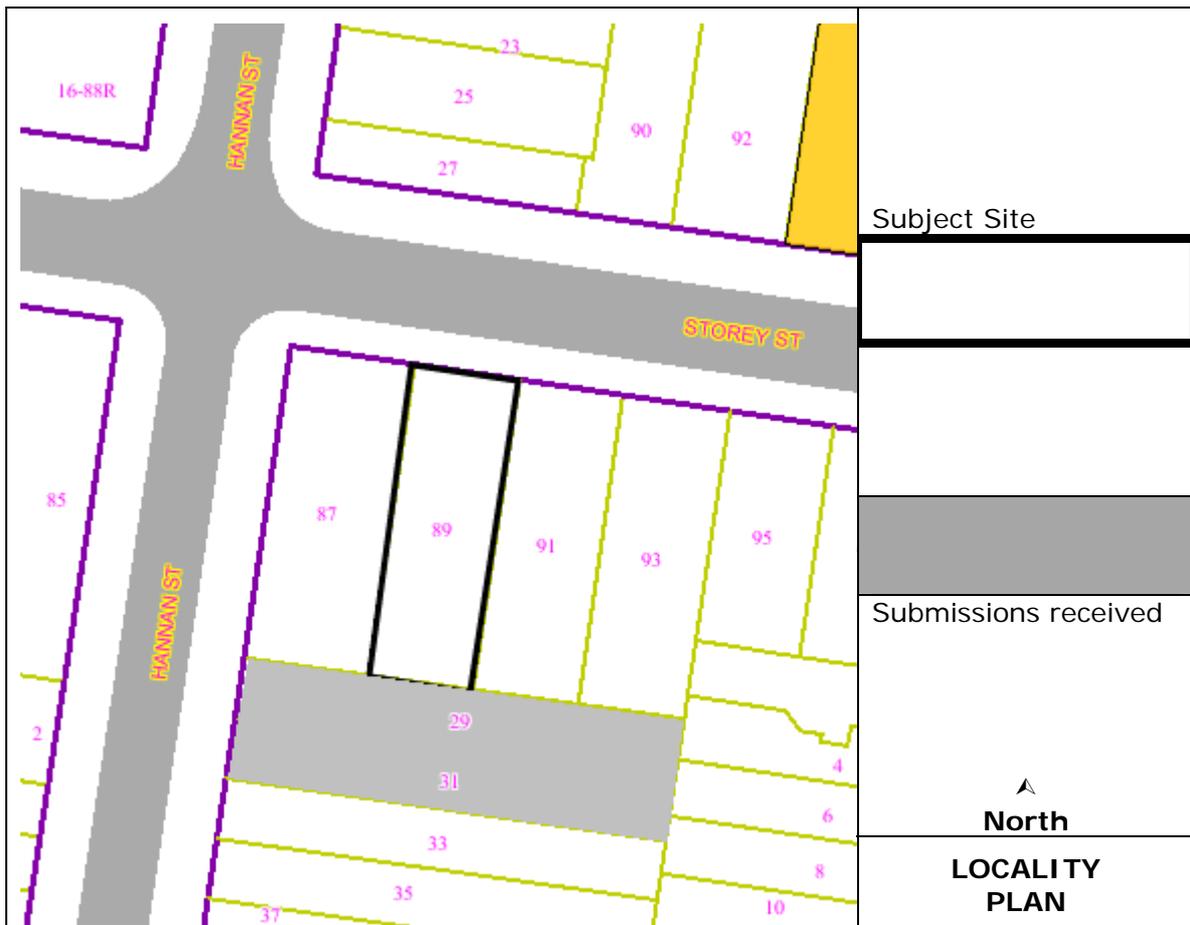
# Development Application Report



**REPORT BY:** DIRECTOR, CITY PLANNING

<b>DATE:</b>	23 April 2007	<b>FILE NO:</b>	DA/954/2006 & PROP048438
--------------	---------------	-----------------	--------------------------

<b>PROPOSAL:</b>	Demolition of existing dwelling and erection of a new two storey dwelling with basement level garage.
<b>PROPERTY:</b>	89 Storey Street, Maroubra
<b>WARD:</b>	Central Ward
<b>APPLICANT:</b>	Qian & Associates
<b>OWNER:</b>	Mr Y Chen & Ms J Wu



## **1. EXECUTIVE SUMMARY**

The application is referred to Council for determination at the request of Councillors Notley-Smith, Belleli and Nash.

The application details the demolition of the existing dwelling and erection of a new two storey dwelling with garage.

The main issues for consideration in the assessment of the application are the impact upon the amenity of the adjoining properties with respect to privacy, and the bulk and scale of the proposal in relation to the existing streetscape.

The application is recommended for approval subject to conditions.

## **2. THE PROPOSAL**

It is proposed to demolish the existing single storey dwelling and construct of new part 2, part 3 storey, 4 bedroom dwelling with rear balconies at levels 1 and 2. The dwelling will comprise a basement garage and entry, laundry and storage, at ground level a guest bedroom, kitchen, living and dining rooms, and at the first floor level a family room, three bedrooms and two bathrooms. The dwelling will provide for 268m<sup>2</sup> of habitable floor area.

## **3. THE SUBJECT SITE AND SURROUNDING AREA:**

The subject site is located on the southern side of Storey Street and is presently occupied by an existing single storey dwelling. The site has a frontage width of 12.19m, a side boundary depth of 36.57m and has an overall site area of 446sqm. Neighbouring the property to the west is a single storey dwelling, to the east is a single storey dwelling and to the rear is a single storey semi-detached dwelling. The surrounding area is residential in character and consists predominantly of detached residential dwellings.

## **4. SITE HISTORY**

The application was lodged on 8 November 2006 and notified to the surrounding properties from 15 November to 29 November 2006. Seventeen (17) objections were received during the notification period and most objections raised concerns regarding the height and bulk of the proposal and the adverse impact it would have to the character of the area.

On 14 February 2007 a letter was sent to the applicant requesting that the proposed rear deck and external stair case be deleted to maintain visual privacy to the adjoining properties. Amended plans were received on 5 March 2007 that removed the rear external stair case and reduced the rear first floor balcony by 1.5 metres. The amended proposal was renotified to the surrounding properties from 12 March to 26 March 2007. Further amended plans were received on 13 April 2007 that included privacy screens to the rear balcony.

## **5. COMMUNITY CONSULTATION:**

The proposal has been notified in accordance with the DCP – Public Notification. The following submissions were received:

***E and I Anderson – 29 Hannan Street, Maroubra******Issue******Comment***

*The proposed development has excessive height and the proposed rear terraces will provide direct overlooking into their property.*

The proposed western external wall exceeds the preferred solution wall height by a maximum of 500mm at the north of the site. It should be noted that the site slopes towards the street and that the variation in height from the rear (RL 30.10) to the front (RL 27.30) is 2.8m. As such the external wall height of the proposed dwelling arises due to the fall of the site, towards the street which is a common feature of the topography of allotments in the immediate locality.

The rear terraces at ground and first floor levels will include 2.6m and 1.8m high privacy screening to the eastern and western elevations respectively.

*The rear external stair case is "an invasion of privacy and inappropriate" as it indicates the proposal may be a dual-occupancy development.*

The proposed rear external stair case has been deleted in the amended plans.

***David and Vicki Park – 31 Hannan Street, Maroubra***

*Identical issues as raised by objection received from E and I Anderson – 29 Hannan Street, Maroubra. See comments above.*

***Petition objection received from:***

*C and D Pericleous – 111 Storey Street, Maroubra*

*Marianna Rose Purnama – 107 Storey Street, Maroubra*

*Mrs J Faulks – 91 Storey Street, Maroubra*

*Les Harris – 17 Byrne Crescent, Maroubra*

*Patricia Cheetham, 17 Byrne Crescent, Maroubra*

*Kristel Cheetham, 103 Storey Street, Maroubra*

*Jason Fairbairn, 103 Storey Street, Maroubra*

*Lidya Enes, 114 Old Taren Point Road, Taren Point*

*Emily Ginis, 97 Storey Street, Maroubra*

*John and Christine Martlew, 81 Storey Street, Maroubra*

*G and A Rosiello, 90 Storey Street, Maroubra*

*Selamet Rusli, 105 Storey Street, Maroubra*

*S.I Kecanovic, 2 Everrettt Street, Maroubra Junction*

***P and L Mougios, 109 Storey Street, Maroubra***

***The above objectors raised the following issues.***

<b><i>Issue</i></b>	<b><i>Comment</i></b>
<i>The proposal is a three storey development that is "excessive and totally unnecessary" and will have a significant impact to the surrounding properties.</i>	The proposed western external wall exceeds the preferred solution wall height by a maximum of 500mm to the front of the site. It should be noted that the site slopes towards the street and that the variation in height from the rear (RL 30.10) to the front (RL 27.30) is 2.8m. As such the external wall height of the proposed dwelling arises due to the fall of the site, towards the street which is a common feature of the topography of allotments in the immediate locality.
<i>The proposal is incongruent with the established character of the area which consists predominantly of inter and post-war single and two storey dwellings.</i>	The character of the existing development in the vicinity of the site comprises a mixture of one and two storey free standing dwelling houses of varying ages and also non-residential uses such as a park and a school. In the context of the local streetscape many of the dwellings have been modified from their original appearance to varying degrees and this new dwelling will not impact negatively upon the existing streetscape.
<i>The proposal will overshadow the surrounding properties with "sunlight being limited to a minimum of hours [sic]".</i>	The solar access to adjoining properties will be consistent with the preferred solutions of the DCP and will not impact upon solar access to north facing windows of any adjacent properties. The overshadowing impact of the proposal is considered acceptable.

Amended plans deleting the rear external stair case and reducing the length of the rear terraces were received on 5 March 2007. The amended plans were renotified to the surrounding properties.

Ms Faulks of 91 Storey Street was granted a 1 week extension to prepare a submission relating to the proposal. Ms Faulks attended Council's administration building on 29 March 2007 and provided copies of the petition objections received in the original notification period for distribution to each Councillor. It should be noted that the objections were copies of the original submissions and did not raise any new issues regarding the proposal. No further objections were received in this period.

## **6. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

The site is zoned 2A under Randwick Local Environmental Plan 1998 and the proposed activity is permissible with Council's consent.

## 7. ENVIRONMENTAL ASSESSMENT

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

### 7.1.1 Randwick Local Environmental Plan 1998

The proposal is consistent with the general aims of RLEP 1998 and the specific objectives of the zone in that the proposed activity and built form will enhance and compliment the aesthetic character, environmental qualities and social amenity of the locality.

### 7.1.2 State Environment Planning Policy (Building Sustainability Index: BASIX) 2004.

SEPP: BASIX requirements came into force for all new dwellings, dual occupancies and some transient residential accommodation where development applications were lodged on or after 1 July 2004. A BASIX assessment is a mandatory component of the development approval process under the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 and State Environment Planning Policy (Building Sustainability Index: BASIX) 2004.

The proposal is for a new dwelling and the applicant has provided a BASIX certificate in accordance with the requirements of the SEPP. The provision of a certificate indicates that compliance with the current targets set for energy and water conservation have been met by the development. The certificate also identifies the measures to be shown on Development Application plans to ensure these targets are maintained through to construction.

The plans have been checked and they are consistent with the requirements indicated on the submitted BASIX certificate for DA stage. Standard conditions of consent requiring the continued compliance of the development with the SEPP: BASIX have been included in the recommendation section of this report.

## 7.2 Development Control Plan - Dwelling Houses and Attached Dual Occupancies

The DCP for Dwelling Houses and Attached Dual Occupancies states that a proposal is deemed to satisfy the Objectives and Performance Requirements of the DCP if it complies with the corresponding Preferred Solutions. Therefore, the tables below assess the proposal against the Preferred Solutions, and where non-compliance results, assessment is made against the relevant Objectives and Performance Requirements.

### Landscaping

	<i>Preferred Solution</i>	<i>Assessment</i>
S1	40% of the total site area is provided as landscaped area.	51% of the site is landscaped area. Complies.
S1	A minimum of 25m <sup>2</sup> of useable private open space is to be provided.	The rear yard has an area of 110 sqm. Complies.

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	Each dwelling must provide an area of private open space capable of containing a rectangle of minimum dimensions of 3m x 4m with minor changes in level.	The above area has dimensions of 10m x 11 metres. Complies.
S1	Private open space in the front yard area is located behind the building line.	The above area is located in the rear yard. Complies.
S6	20% of the total site area has permeable treatment.	32% of the site is permeable. Complies.

### Floor Area

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	The preferred solution for an allotment of this area is that a maximum floor space ratio of 0.6:1 applies.	The proposed FSR is 0.6:1. Complies.

### Height, Form & Materials

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	External wall height of the building not exceed 7m	The proposed dwelling has a maximum external wall height of 7.5 metres to the front of the dwelling. Does not comply – see assessment below.
S1	External wall height of buildings or additions to the rear does not exceed 3.5 m.	Not applicable.
S3	Cut or fill does not exceed 1m.	Not applicable.
S3	No excavation within 900mm of a side boundary.	Not applicable.
S3	No excavation within 4m of a rear boundary.	Not applicable.
S4	The length of a second storey portion is no greater than 12m at less than 1.5m from a southern boundary.	The entire southern elevation of the proposed dwelling is 11.1 metres from the southern side boundary at first floor level. Complies.

The Objectives of the DCP are that developments should not be excessive in height and scale and be compatible with the existing character of the locality; to ensure impacts in terms of privacy, natural light and views are minimised; and with respect to additions that they not detract from the individual character and appearance of the existing dwelling.

The relevant Performance Requirements are that the height of buildings should relate to those in the existing streetscape and the topography; buildings be designed to enhance the existing desirable built form character of the street by adopting where relevant characteristics of mass and proportion, materials and finishes, roof form and pitch, facade articulation, window and door location and proportions, and verandahs,

eaves and parapets; with respect to additions to semi-detached dwellings they integrate with the attached dwelling; and views are shared.

The proposed development will have an external wall height that exceeds the preferred solution by 500mm at the north of the site. It should be noted that the site slopes towards the street and that the variation in height from the rear (RL 30.10) to the front (RL 27.30) is 2.8m. As such the external wall height of the proposed dwelling arises due to the fall of the site, towards the street which is a common feature of the topography of allotments in the immediate locality.

The proposal incorporates sufficient articulation both to the street frontage and along the eastern and western elevations to mitigate the visual impact of the proposed external wall. The design of the roof responds to the sloping site and steps down towards the front of the site contributing to the visual relief provided by the walls, balconies and other protrusions that break up the visual bulk of the development and its presentation to the street.

The adjoining development along the street contains dwellings that have a similar bulk and scale to the proposed development. The proposal is a part 2 and 3 storey dwelling, with the front of the site presenting to the street as a two storey dwelling with a semi-basement garage level. The potential adverse impacts resulting from the height of the dwelling is ameliorated by the roof form stepping back from the street and responding to the slope of the site. The highest section of the dwelling is situated approximately 8.2m from the front boundary and will not have a dominating presence on the streetscape. As such the height of the dwelling will not become inconsistent with the height, bulk and scale of other dwellings in the street.

### Building Setbacks

	<i>Preferred Solution</i>	<i>Assessment</i>
S1	Front setback is average of adjoining dwellings or 6m.	The proposed dwelling is set back 6 metres from the front boundary and is generally consistent with the setbacks of adjoining dwellings. Complies.
S2	No part of the building is closer than 4.5m from rear boundary.	The proposed dwelling is 11.1 metres from the rear boundary. Complies.
S3	Side setbacks be 900mm for any part of the building at ground level.	<p><u>Western Boundary</u></p> <p>The proposed development is set back 1.5 metres from the side boundary. Complies.</p> <p><u>Eastern Boundary</u></p> <p>The proposed development is set back 0.9 – 1.5 metres from the side boundary. Complies.</p>

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S3	Side setbacks be 1.5m at second floor level.	<p><u>Western Boundary</u></p> <p>The proposed development is set back 1.5 metres from the side boundary. Complies.</p> <p><u>Eastern Boundary</u></p> <p>The proposed development is set back 0.9 – 1.5 metres from the side boundary. Does not comply – see assessment below.</p>

The Objectives and Performance Requirements of the DCP seek to ensure that there is adequate access to sunlight, daylight and fresh air to building occupants and neighbours; and with respect to front boundary setbacks the proposal generally conform to the adjoining development or dominant streetscape.

The eastern side boundary setback of the dwelling does not comply with the preferred solution of the DCP for the whole length of the dwelling with the front portion of the dwelling being sited up to 900mm. There are no major objections in this instance to this setback in that for the majority of the length of the dwelling the preferred solution is complied with and also the adjoining dwelling is separated by a driveway and therefore there will not be any appreciable difference to the impact upon the amenity of that dwelling.

### **Visual & Acoustic Privacy**

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	Habitable room windows within 9m of another dwelling's windows are offset by 45 degrees or have fixed obscure glazing below 1.5m above floor level.	The proposal does not have any habitable room windows that overlook those of adjoining dwellings within 9 metres. Complies.
S1	Direct view into open space of an adjoining dwelling is obscured or screened within 9m and is beyond a 45 degree angle.	The first floor rear deck will overlook the rear yard areas of the adjoining properties however the implementation of privacy screens will reduce direct overlooking.

The Objective of the DCP is to ensure that new buildings and additions meet the occupant and neighbours requirements for visual and acoustic privacy.

The Performance Requirements include that overlooking of internal private living areas is minimised through appropriate building layout, location and design of windows and balconies; and separation, screening devices and landscaping be used to assist in minimising privacy impacts.

There will not be any significant impact upon privacy to the adjoining dwellings from the upper level of the dwelling in that windows within the western side boundary serve the two bathrooms on that side of the dwelling, and the windows within the eastern side of the dwelling are high light style to the void above the entry foyer, and to the family room are screened by a fixed external screen. The proposal therefore complies with the objectives and performance requirements of the DCP – Dwelling Houses.

**Safety & Security**

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1,2,3	Front doors of dwellings are visible from the street.	The proposed front door faces the street. Complies.
S1,3	Dwellings have at least one habitable room window overlooking the street.	The proposed dwelling has windows that overlook the street. Complies.
S2	A Council-approved street number is conspicuously displayed at the front of the dwelling or front fence.	Suitable condition included.

**Garages & Driveways**

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	Council's Parking DCP requires 1 space, for dwellings with 2 bedrooms or less, or 2 spaces, for dwellings with 3 bedrooms or more.	The proposed dwelling has parking for 2 cars. Complies.
S1	Car parking spaces have a minimum dimension of 5.5m x 2.5m.	The dimensions of the parking spaces are 2.75m x 5.8m. Complies.
S1	Driveways have minimum width of 3m and are set back at least 1m from the side boundary.	The proposed driveway is 3.5 metres wide and is set back at least 1 metre from the side boundary. Complies.
S1	Driveways have a maximum width of 3m at the property boundary.	The proposed driveway is 3.5 metres at the front boundary. Does not comply – see assessment below.
S1	Driveway gradients should not exceed a maximum of 1 in 8 for the first 5m from street alignment and 1 in 6 thereafter.	The proposed driveway gradient is less than 1 in 8. Complies.
S1	With respect to garages and carports to rear lanes these should be set back 1m to improve pedestrian visibility.	Not applicable.
S2	Parking and access is provided from the rear of the allotment where possible.	Not applicable.
S2	Garages and carports located behind the building line where parking only available from the front of the site.	The proposed garage is located behind the building line. Complies.
S2	Driveways, car parking spaces and structures do not occupy more than 35% of the width of the allotment	The proposed garage occupies about 49% of the width of the site frontage. Does not comply – see assessment below.

The Objectives and Performance Requirements of the DCP include that car parking and driveways are not visually obtrusive and do not detract from the appearance of the dwelling and the street scape; and structures are compatible in scale, form, materials and finishes with the associated dwelling.

The width of the proposed garage and driveway exceeds the preferred solution of the DCP, however the width of the garage is easily accommodated within the envelope of the dwelling and will not detract from the appearance of dwelling within the existing streetscape.

### Solar Access and Energy Efficiency

	<i>Preferred Solution</i>	<i>Assessment</i>
S1	New dwellings comply with a minimum of 3.5 stars on the NatHERS.	Not applicable - BASIX
S2	Private open space receives at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June.	Not applicable - BASIX
S2,8	North-facing windows to living areas receive at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June.	The proposal includes north-facing windows that will receive at least 3 hours of sunlight. Complies.
S9	Solar access to existing or future solar collectors on adjacent buildings is maintained between 9am and 3pm each throughout the year.	The proposal will not overshadow solar collectors on adjoining properties. Complies.
S9	North-facing windows to living areas of neighbouring dwellings receive at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June. If currently less than 3 hours, it is not further reduced.	The proposal will not reduce solar access to less than 3 hours on north-facing windows. Complies.
S9	Principal outdoor recreation space of neighbouring dwellings receive at least 3 hours sunlight over part of its area between 9am and 3pm on 21 June. If currently less than 3 hours, it is not further reduced.	The proposal will not reduce solar access to private open space to less than 3 hours. Complies.

## 8. RELATIONSHIP TO CITY PLAN

The relationship with the City Plan is as follows:

**Outcome:** Excellence in urban design and development.

**Direction** Improved design and sustainability across all development.

## 9. FINANCIAL IMPACT STATEMENT

There is no direct financial impact for this matter.

## 10. CONCLUSION

The proposal complies with the relevant assessment criteria and the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies and will not result in any adverse impacts upon either the amenity of the adjoining premises or the character of the locality.

**RECOMMENDATION:**

**THAT** Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.954/2006 for permission for the demolition of the existing dwelling and construction of a new part 2, part 3 storey dwelling with rear balconies at levels 1 and 2 for 89 Storey Street, MAROUBRA NSW 2035 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 SK01-1A, 2A, 3A, 5A, 6A, 8A & 9A (dated 2/07) and 4B & 7B (dated 4/07), and received by Council on the 13<sup>th</sup> April 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. The colours, materials and finishes of the external surfaces to the building must be consistent with the schedule of colours and finishes dated 11/4/2007, pages 1 & 2, received by Council on the 13<sup>th</sup> April 2007.
3. There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.
4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
5. 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 approved paving or the like on the ground) without the written consent of Council.
6. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
7. 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 condition/s are imposed to satisfy the 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](http://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 imposed to promote ecologically sustainable development and energy efficiency.**

9. 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.
10. 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.

11. 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)

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

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

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

13. 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.**

14. 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*.

15. **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.

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.

16. **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.*

17. 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.

18. 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*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
19. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

20. **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.

21. 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.

22. 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.*

23. 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:**

24. The demolition of buildings and the removal, storage, handling and disposal of building 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

25. 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.*

26. A Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council **upon completion of the works** (prior to an Occupation

Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

27. 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.

28. 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.

29. 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.

30. 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.

31. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the following stage/s of construction:

- a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.
  - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
32. 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.
33. 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.

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.

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

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

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

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

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

35. 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;
- construction traffic management provisions.

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.

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

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

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

37. 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.
38. Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the

footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

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

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

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

**The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:**

40. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.
41. A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the issuing of a construction certificate.**

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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

42. 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 Council or a Council approved subcontractor to carry civil works such as construction of a new vehicular crossing to the

subject site.

- a) \$1000.00 - Damage / Civil Works Security Deposit

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

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
- Completion of the civil works as conditioned in this development consent by Council.

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

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

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

43. Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:
1. Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
  2. Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
  3. 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.
44. 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:**

45. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
46. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.

47. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$536.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. 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 consideration for service authority assets:**

48. 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.
49. 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 drainage and associated infrastructure: (*Note: Stormwater drainage plans have not been approved as part of this development consent.*)**

50. 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.
51. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m<sup>2</sup> base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

- a. The sediment/silt arrester pit shall be constructed:-
- i. within the site at or near the street boundary.
  - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
  - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
  - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
  - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration

pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

- b. The infiltration/rubble pit shall: -
- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
  - ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
  - iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.  
Note: other equivalent methods of infiltration may be adopted.
  - iv. have a minimum base area of 5.0 square metres (m<sup>2</sup>).

The outlet from the silt arrestor pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.

- c. The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter via a sediment/silt arrestor pit (as detailed in note a. above).

All works shall be to the satisfaction of the certifying authority.

- d. The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.

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

52. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of City Development, in accordance with section 80A(2) of the *Environmental Planning and Assessment Act 1979*, **prior to a construction certificate being issued.**
53. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
54. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.
55. 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.

56. Approval is granted for the removal of the following trees subject to the planting of a minimum of 2 x 25 litre broad canopied replacement trees (not palms) within the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.
1. Umbrella tree located in the front yard.
  2. Cyprus Pine tree located in the front yard.
  3. Mandarin tree located in the rear yard.
  4. Citrus tree located in the rear yard.

**ADVISORY MATTERS:**

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

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

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

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

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

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

- A3 **The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.**

**ATTACHMENT/S:**

Nil

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PATRICK LEBON  
ASSESSMENT OFFICER

# **GENERAL MANAGER'S REPORT 11/2007**



<b>SUBJECT:</b>	MARCH 2007 QUARTERLY REVIEW - MANAGEMENT PLAN 2006-09
-----------------	---

<b>DATE:</b>	3 May, 2007	<b>FILE NO:</b>	F2006/00339
--------------	-------------	-----------------	-------------

**REPORT BY:** GENERAL MANAGER

## **INTRODUCTION:**

The purpose of this Report is to update Councillors and the community on the implementation of the 2006-09 Management Plan.

## **ISSUES:**

This is the March 2007 Quarterly Review of the 2006-09 Management Plan. Under the *Local Government Act 1993*, there is the requirement that a Report must be provided after the end of each quarter, detailing the extent to which performance indicators and targets set by Council's Management Plan have been achieved during the quarter.

The Report is set out in two main sections, the first being a list of key achievements for the quarter (January – March 2007). The second outlines progress against the actions in the Management Plan, tabled for each Department and according to the Outcomes of the Randwick City Plan. The March Quarterly Review is an update of the December 2006 Quarterly Review.

## **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome 1: Leadership in Sustainability.

Direction 1a: Council has a long term vision based on sustainability.

Direction 1d: Continuous improvement based on accountability, transparency and good governance.

## **FINANCIAL IMPACT STATEMENT:**

There is no direct financial impact for this matter.

## **CONCLUSION:**

The purpose of the March Quarter Report is to inform and update Council and the community on the progress of all actions as set out in the adopted Management Plan 2006-2009. In addition, given that the Management Plan is based on the 20 year

Randwick City Plan the March Quarter Report also provides a level of accountability against our long term vision for the City of Randwick.

**RECOMMENDATION:**

That the information contained in the report of the March 2007 Quarterly Review, 2006-09 Management Plan be received and noted.

**ATTACHMENT:**

March 2007 QTR Review Report, 2006-09 Management Plan - UNDER SEPARATE COVER.

.....  
GENERAL MANAGER

# **GENERAL MANAGER'S REPORT 12/2007**



<b>SUBJECT:</b>	AFFIXING OF THE COUNCIL SEAL
-----------------	------------------------------

<b>DATE:</b>	3 May, 2007	<b>FILE NO:</b>	F2004/06336
--------------	-------------	-----------------	-------------

**REPORT BY:** GENERAL MANAGER

## **INTRODUCTION:**

Clause 400 (Part 13) of the Local Government (General) Regulation 2005 requires that the Seal of the Council must not be affixed to a document unless the document relates to business of the Council and the Council has resolved (by resolution referring to the document) that the Seal be so affixed.

## **ISSUES:**

It is necessary for the Council's Seal to be affixed to the signing of agreements between Council and:

1. Anthony Mavromatis (T/As Spice Café & Pizza Bar) in relation to a licence for the purpose of outdoor dining at Shop 1, 214 Anzac Parade, Kensington.
2. Simon Turner (T/As Queens Park Pizza Café) in relation to a licence for the purpose of outdoor dining at 205 Darley Road, Randwick.
3. The Owners of Strata Plan 77675 in relation to a licence for the elevated platform, stairs and ramp located on the public footway along the Anzac Parade frontage of CP/SP77675, also known as 214-238 Anzac Parade & 14 Darling Street, Kensington. The licence has been prepared to formalise a right to use the licensed area for access to the property in line with the terms of the positive covenant SP77675 registered on the said title.

## **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome 7: A Liveable City that Balances Growth and Change.

Direction 7f: Town Centres that meet the needs of our community as places to work, shop, live and socialise.

**FINANCIAL IMPACT STATEMENT:**

In signing of these agreements, Council will receive the following income:

1. A licence agreement with Anthony Mavromatis (T/As Spice Café & Pizza Bar) will generate an annual income of \$1,665.90 + GST.
2. A licence agreement with Simon Turner (T/As Queen Park Pizza Café) will generate an annual income of \$3,035.46 + GST.
3. A licence agreement with The Owners of Strata Plan No. 77675 will generate an annual income of \$10.00 + GST.

**CONCLUSION:**

As Clause 400 (part 13) of the *Local Government (General) Regulation* requires that the Council pass a resolution authorising the Affixing of the Seal, it is necessary for this action to take place to facilitate legal formalities.

**RECOMMENDATION:**

That authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:

1. Anthony Mavromatis (T/As Spice Café & Pizza Bar) in relation to a licence for the purpose of outdoor dining at Shop 1, 214 Anzac Parade, Kensington.
2. Simon Turner (T/As Queens Park Pizza Café) in relation to a licence for the purpose of outdoor dining at 205 Darley Road, Randwick.
3. The Owners of Strata Plan 77675 in relation to a licence for the elevated platform, stairs and ramp located on the public footway along the Anzac Parade frontage of CP/SP 77675, also known as 214-238 Anzac Parade & 14 Darling Street, Kensington.

**ATTACHMENT/S:**

Nil

.....  
GENERAL MANAGER

## ***Director, City Services' Report 21/2007***



<b>SUBJECT:</b>	REQUEST FOR CHANGE OF STREET NAME - PART OF DOWLING STREET BEHIND THE SOUND BARRIER.
-----------------	--

<b>DATE:</b>	4 April, 2007	<b>FILE NO:</b>	F2004/07140
--------------	---------------	-----------------	-------------

**REPORT BY:** DIRECTOR, CITY SERVICES

### **INTRODUCTION:**

Council at its Works Committee Meeting held on 13 March, 2007, considered the Director City Services' Report No 10/2007, regarding a suggestion from a local resident for Council to survey the residents of Dowling Street, Kensington, behind the sound barrier, asking for their views for a street name change.

It was resolved on the Motion of Councillor White and Councillor Andrews that –

- a) a survey be prepared to ascertain the views of the local residents and owners in the vicinity of Dowling Street (behind the sound barrier) and a report be brought back to Council after the closing date;*
- b) opinion be sought from Council's Heritage Planner regarding appropriate names for this section of Dowling Street, which reflect the history of the location; and*
- c) the view of public authorities be obtained concerning the possible name change.*

Accordingly, a survey was forwarded to local residents and property owners of Dowling Street, Kensington, behind the sound barrier, seeking views and suggestions. An opinion was sought from Council's Heritage Planner regarding appropriate names for this section of Dowling Street which reflect the history of the location and also the views of public authorities were obtained concerning the possible name change.

### **ISSUES:**

18 submissions have been received by the closing date of 27 April, 2007, and are details hereunder:

**Submission 1:** In favour if provides better identification.

Mr Bob David, Team Leader for Division Manager Information Sourcing, Department of Lands, advises that "we would support the proposal if it provides better identification of the road in question and thus reduces the possibility of confusion in the delivery of services."

**Submission 2:** In favour of change

*Todman Close* - goes off Todman Avenue and might be easier to find.

*Heritage Way* - does not introduce a name contrary to history of the area.

**Comment:** Great idea and change as soon as possible.

**Submission 3:** In favour of change

*Heritage Way* - because it is the perimeter of the heritage triangle.

*Kirby Terrace* - because Justice Michael Kirby was born in the street.

**Comment:** Dowling Street needs a name change because the area behind the sound barrier is no longer part of Dowling Street and it is too confusing trying to explain that to people.

**Submission 4:** In favour of change

*Milroy Lane*            *Carminya Lane*

**Submission 5:** In favour of change

*Milman*                *Todroy*

*Todmil*                *Miltod*

*Royman* - mixture of Milroy and Todman.

*Dowroy* - mixture of Dowling and Milroy.

*Dowman* - mixture of Dowling and Todman.

*Kenso* - diminutive of Kensington.

*Sunshine* - suggestion of children.

*Lilly* - name of flower and the name of dog.

*Chique* - chique street in a chique area.

*Stamell* - late father's surname, who one of the early settlers in this street when road was still being built. Late mother was living at this address till she passed away.

**Comment:** As long as it reflects a good thing and had a comfortable connotation we are easy. Any name that reflects a serene quiet happy and safe area. Good idea. Believe no longer in part of the main Dowling Street or South Dowling Street or Southern Cross Drive. Separate independent and private road.

**Submission 6:** In favour of change

*Dowling Crossing*                *Dowling Corso*                        *Dowling Link*

**Submission 7:** In favour of change

*Milroy Lane or Todman Lane* because it is essentially a laneway and is between these two streets.

**Submission 8:** Not in favour

*Dowling Street* as it is the western boundary of the G F Todman Estate which is an important part of the history of Kensington. Randwick Council has a Heritage Conservation Order on the properties along Dowling Street. Why not on the name of the street which dates back to 1900? Most ambulance, police and taxi drivers are fitted with global position systems making it easy to find the street.

**Submission 9:** In favour of change

*Dowling Avenue or Old Dowling Street* as we are familiar with this name and would like to keep it in a way.

*Barrier Street* because we are behind the sound barrier.

*Heritage Street* sounds good, it complements the area we live.

**Comment:** Main reason to change the Dowling Street is to make it less confusing for others to find us and also prevent things such as our mail being lost.

**Submission 10:** In favour of change

*Little Dowling Street* for Dowling Street is a main road

*Barrier Avenue* for the barrier  
*South Avenue* for being the south of Dowling Street  
*Tanti Avenue* for the Italian migrant's word meaning plenty.

**Submission 11:** In favour of change

We are happy to go with a majority, but do not agree with it being a "lane". The name of the street should be consistent with other names in the area. Historical significance.

**Comment:** Support the name change.

**Submission 12:** Not in favour of change

Please no change.

**Comment:** We like the name and do not want it changed. It is fine as it is. We do not want the unnecessary hassle of changing every ID or address that we have. We have a lot of overseas friends - we do not need to change. What is the necessity to change? There is no compelling reason to make a name change. It has been Dowling Street for 100 years. It is never confused with South Dowling Street. No one orders more takeaways than us - 4 little kids - and the pizza guys never get lost.

**Submission 13:** In favour of change

*Todman Way* – in honour of Todman family, prominent land owners early 1900's.

*Heritage Way* – in keeping with the area.

**Comment:** Heritage Way stands on it's own so is our first preference. "Dowling and Todman" can still create confusion for many people unfamiliar to the area when trying to find us.

**Submission 14:** In favour of change

I don't have a name to suggest.

**Comment:** I have been living at the above address for 27 years and the name was a problem. People could never find this street easily confusing with South Dowling. Change of name is welcome.

**Submission 15:** In favour of change

*St Ledger Avenue or Lane*

*Derby Avenue or Lane*

*Hayai Avenue or Lane*

*Newmarket Avenue or Lane*

*Kensei Avenue or Lane*

**Comment:** In keeping with the racing tradition of the area. Todman Avenue, Epsom Road, Villiers Street, and Doncaster Avenue etc the present street name, particularly since the sound wall was erected has led to real confusion with those not familiar with the area.

**Submission 16:** Not in favour

*Dowling Street* – There is no reason to change the street name, if appropriate signage is erected. The issue is the street is not actually in the street directory (most of them). Hence changing the name is not going to solve the problem.

**Submission 17:** In favour of change

As this is a heritage area and to indicate the pleasant and quiet atmosphere of Dowling Street and to eliminate the current confusion with South Dowling Street, I suggest -

*Heritage Avenue*      *Heritage Grove*      *Heritage Promenade*      *Heritage Street*

*Wall Street* (as we are behind the wall and not in street directory)

**Comments:**

Reasons for my suggestions -

It is tree lined street and would be only one in street directory  
Promenade - ideal for leisurely walking  
Grove - many trees and peaceful atmosphere  
Avenue - meaning drive, access, road, passageway etc etc  
The change in name would indicate we are not in busy South Dowling Street  
Increase value of our properties.  
Imply peaceful location and pleasant surroundings.  
Thank you for the opportunity to input our feelings about the need to avoid confusion of location, access, mail delivery, taxis, emergency vehicles, couriers etc trying to find us.

**Submission 18:** In favour of change

*Kirby*

*Heritage*

**Comments:**

Kirby - the reason we love this name is because Mr Don Kirby and his family were the first owners of my house. The son of Mr Don Kirby is the Hon Judge Michael Kirby who was also nominated for Australian of the Year 2006. He is now I believe Chief Justice. I have met the Kirby family who have been residents of Kensington for many years and therefore play a part of Kensington history.

Heritage was our second choice. We thought this name suitable since we are in the heritage triangle. We are eager for the change. We have so many daily delays with deliveries, taxis and guests not able to find our home at this address.

**Council's Heritage Planner's Report is as follows:**

**Background**

At its meeting of 13 March 2007, Council considered a report responding to a request for a change of street name for part of Dowling Street (behind the sound barrier). It was resolved that a survey of local residents and owners be carried out, and that opinion be sought from Council's Heritage Planner, regarding appropriate names for this section of Dowling Street, which reflect the history of the location.

**Heritage Status of Dowling Street**

Dowling Street forms the western boundary of the West Kensington heritage conservation area, the other boundaries being Todman Avenue to the north east and Lenthall Street to the south east.

**Historical Significance of West Kensington**

According to the Statement of Significance for the conservation area contained in the Draft Development Control Plan for the West Kensington Conservation Area, the area has historical interest for its early importance as a water catchment. This delayed its development, as did subsequent speculation and the 1890s recession. The eventual and long-awaited release in 1912 saw it develop relatively quickly. The area was almost fully settled within 15 to 20 years. The Statement of Significance notes that the development of the area also has interest for its historical and physical associations with the former tobacco factory on the eastern side of Todman Avenue. The original developer of the West Kensington estate, George Frederick Todman is one of the founders of the factory. There was also a later association with the glass manufacturer AGM, which had a factory nearby on South Dowling Street.

**Existing street naming in West Kensington**

A search of the origin of street names in the West Kensington area on Council's website provides information on only a few street names, including Baker and McDougall Streets which were named after former Aldermen/Mayors. There appears

to be no "theme" to the naming of streets within the area. Council's e-view system includes 1917 and 1947 maps for the West Kensington area. The 1917 map indicates the street layout dotted in with their current names, which have not changed in the 1947 map. These maps indicate Dowling Street terminating at Lenthall Street at the southern end of the conservation area, with Victoria Park Racecourse on the opposite side. It was not until the post-war period that Dowling Street was extended further south as Southern Cross Drive. Dowling Street extends northward however as far as Oxford Street in Darlinghurst. Dowling Street was named after Sir James A. Dowling (1787-1844), second Chief Justice of NSW (hence the Dowling Court). Dowling owned land in Coogee and was principle Police Magistrate for the colony.

It is suggested that the significance of the name Dowling Street relates to the connection it provides to the wider city context including the CBD. In heritage terms it would be preferable to retain the historic name of the street, rather than making any change. However if a name change is considered absolutely necessary, then Council's Local Studies Librarian has carried out some research, and has suggested several options for a new name.

### **Options for street naming of Dowling Street**

The suburb of Kensington, including West Kensington and the Australian Golf Course, was originally part of a land grant to Samuel Terry. Samuel Terry was a convict, who arrived in the colony in 1801 and was to become Australia's first millionaire. As well as properties elsewhere in NSW he owned much land in and around Sydney. Terry established a number of flour mills in the Kensington area on the stream leading to Botany Bay. These mills operated until the Upper Nepean water supply came on line, and the land was freed for subdivision. Further information on Samuel Terry can be found in the Randwick and District Historical Society's publications *Kensington A Model Suburb* by J.F. McMahon and *Kensington Landuse, Development, Ownership and Control on the Lachlan Stream 1810-1890* by Joseph Waugh.

Council's Local Studies Librarian has noted that there appear to be no other streets or public areas to commemorate Samuel Terry in the Randwick area, and has suggested renaming of Dowling Street to honour the original grant of Samuel Terry. She has suggested either Terry Avenue or Samuel Avenue or Cornwallis Avenue (after the *Earl Cornwallis*, the ship on which Terry was transported).

### **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome 2: A vibrant and diverse community.  
Direction 2a: Maintain a current understanding of our community's needs.  
Key Actions: Regularly consult our community on their needs.

### **FINANCIAL IMPACT STATEMENT:**

There is no direct financial impact for this matter.

### **CONCLUSION:**

The Division Manager, Information Sourcing from the Department of Lands in his letter of 3 April, 2007, is in support of the proposal, if it provides better identification of the road in question.

17 submissions were received from residents of this section of Dowling Street, of which 14 support a name change and 3 are against a name change.

A number of names were put forward, as detailed in the above submissions.

Council's Heritage Planner's Report details the heritage status of Dowling Street, the historical significance of West Kensington, the existing street naming in West Kensington and options for street naming of this section of Dowling Street. In this report it is noted that Council's Local Studies Librarian advises that there appears to be no other streets or public areas to commemorate Samuel Terry in the Randwick area, and has suggested the re-naming of Dowling Street to honour the original grant of Samuel Terry.

Under the Guidelines of the Geographical Names Board for the Naming of Roads, the following guidelines should be observed.

- o Uniqueness. Name duplication within a local government area should be avoided. If possible, duplication of names in proximity to adjacent local government areas should also be avoided.
- o Preferred sources for road names include local history, early explorers, pioneers, settlers and other eminent persons.
- o Names of living persons should not be used.
- o Names should be appropriate to the physical, historical or cultural character of the area concerned.
- o The origin of each name should be clearly stated and subsequently recorded.

**RECOMMENDATION:**

That, in accordance with the Guidelines of the Geographical Names Board,:

- (a) Council advertise in the local paper the proposal to re-name Dowling Street, Kensington, behind the sound barrier, "Samuel Avenue" and invite interested parties to make written submissions with their views of the suggested name in keeping with the history of the area;
- (b) Council notify the Geographical Names Board and other relevant public authorities of the proposal; and
- (c) A report is brought back to Council after the closing date of all submissions.

**ATTACHMENT/S:**

Nil

.....  
JORDE FRANGOPLES  
DIRECTOR, CITY SERVICES

.....  
MARK SHAW  
MANAGER TECHNICAL SERVICES

## **Director, City Services' Report 22/2007**



<b>SUBJECT:</b>	REQUEST TO RE-NAME QUARRY RESERVE, MAROUBRA.
-----------------	--

<b>DATE:</b>	12 April, 2007	<b>FILE NO:</b>	F2005/00217
--------------	----------------	-----------------	-------------

**REPORT BY:** DIRECTOR, CITY SERVICES

### **INTRODUCTION:**

The Director City Services' Report No. 8/2007, was considered at the Works Committee Meeting held on 13 March, 2007, following a request from Mr Richard Perin for Council to consider a proposal to re-name Quarry Reserve after his late father, Eugene Perin of No. 2 Flower Street, Maroubra.

Mr Richard Perin advised Council that his late father who resided and reared his family in the area for many years, lobbied for Quarry Reserve to be parkland and organised a petition to be presented to Council helping to develop the area as it is today.

At the Works Committee, it was resolved on the Motion of Councillor Andrews and the Mayor, Councillor Tracey that -

*"that the proposal to re-name Quarry Reserve to "Perin Reserve" be advertised and interested parties be invited to make submissions and comments on the proposal and that the matter be brought back to Council after the closing date."*

Accordingly, the proposal was advertised in the "Southern Courier" and interested parties invited to comment on the proposal by closing date 27 April, 2007, then a report would be brought back to Council summarizing community comments.

The relevant public authorities were also requested to comment on the proposal.

As stated in the Director's Report No. 8/2007, an inspection of the Council Minutes between 1960 and 1985 did not reveal any reference to a petition relating to Quarry Reserve nor any reference to Eugene Perin.

### **ISSUES:**

The following submissions were received by closing date 27 April, 2007.

#### **Submission 1:**

Forwarded by The Hon Bob Carr, Mr Richard Perin's representatives to the Mayor to have the work of his late father acknowledged in the re-naming of Quarry Reserve. Mr Richard Perin's letter reads -'inter alia' "In recognizing the importance of the role that (the now late) Mr Eugene Perin of 2 Flower Street played in preserving this area as parkland in the 1960's, the proposed name will be Perin Quarry Reserve. Mr Perin, my father, actively campaigned to preserve this area as a green area for the people

of the growing area and after a development application to have the area used as a junk yard was proposed. He lobbied local representatives and undertook a petition of the local residents. Today this area is a place where children play and house values have benefited from the fact that this area is not a junk yard. I now need your support".

**Submission 2:**

A petition in the form of a standard letter.

The petition is from 21 local residents residing in Flower, Storey, Metcalfe and Shepherd Streets, Gale and Maroubra Roads, Henning and Cantrill Avenues, Johnstone Parade and Anzac Parade.

The residents write "in recognising the importance of the role that the now late Mr Eugene Perin of 2 Flower Street played in preserving the area as parkland presently known as Quarry Reserve. I support the proposed name change to Perin Reserve."

**Submission 3:**

"We strongly protest against re-naming Quarry Reserve because of the historical significance of its name. This park was originally quarry and the large blocks of sandstone are still evident around the border of the park. The current proposal to add a playground to the park has a section where a replica moving track will show our younger generations how the original quarry operated some 100 years ago and will highlight the past of this open space and therefore having the Quarry Park add to their understanding of what this place was and still shows us today.

My children and their friends played in the park as young boys and were always interested in my explaining to them the history of the park and why it was named Quarry Park. Please leave our little bit of heritage alone for future generations can see and understand some of the local history of your area."

**Submission 4:**

"Do not permit the re-naming of the Quarry Reserve. History was made at this quarry and Maroubra progressed. Thousands of sandstone blocks were quarried to be used for house foundations and building retaining walls in Boyce Road to hold back the sand hills and also part of Maroubra Road. Also the sandstone was used as the base for our roads.

I am in my mid 80's and as a child with my friends used to swim in the lovely big pool at the bottom of the quarry. There should be some effort made to enlighten the people involved in the changing of the name that history was made there all those years ago. I doubt if there are many, if any, still around today who would remember, so please do not allow the quarry reserve to be renamed."

**Submission 5:**

"I would object to the re-naming of Quarry Reserve and make the following points:

1. I, too, used to visit the Quarry with my schoolmates then a working quarry between 1938-1943 on weekends when no plant was working, to play on the stones and look for goldfish.
2. The quarry is a historic name in itself, almost certainly with other quarries e.g. Malabar Road at Jensen Place that provided stone for the burgeoning area around Boyce Road for cobbled roads, cobbling containment and the kerbing in the main streets as well as foundations for houses, plus other areas of Randwick and Sydney. I have two slabs of this stone on a barbeque purchased about 1960."

**Submission 6:**

"Quarry Reserve is an unusual name but an historical one. The original quarry supplied some of the best sandstone for many of our wonderful old buildings in the

CBD. Some reports say it was the best available in Sydney. Your historical files at Bowen Library will verify this. This alone suggests that we retain the original Quarry Reference."

**Submission 7:**

"A change of name to Perin Reserve would not indicate that this was originally a quarry. The name Quarry Reserve reflects the historical significant of the area. Within the boundaries of Cooper, Storey Streets and Moverly and Malabar Roads there was a number of quarries owned by Hawkesbury Sandstone Company which was established in 1922, and later become the Gosford Quarries Group which is now Australia's largest sandstone produce. Maroubra sandstone was famous for its quality and was used in the Randwick area for kerbing foundations for housing and sandstone form many buildings in and around Sydney.

I lived in Maroubra since 1943 having been brought up at 6 Flower Street which was my grandmothers/ parents home since 1928. As a child and as did many other local children of this local area, knew the quarry very well, enjoying the freedom of the native bush area and the small rock pools with tadpoles when it was crown land.

My father was passionate about preserving natural area for local residents. When the quarry was to be closed and the Council was proposing to develop this Crown Land my father wrote to Council on several occasions concerning the re-development of the area and suggested that the whole area be retained and made into Bushland Park similar to EG Waterhouse National Camellia Gardens at Miranda. Council rejected this area and my father was very disappointed when only a very small area of the quarry was allocated for a park. Other local residents also lobbied Council on this issue as they were in agreement with my father's proposal."

**Submission 8:**

The following is an extract from the Minutes and Resolution of the April 07 Maroubra Junction Precinct Committee:

"A complaint was reported by one precinct member in relation to the proposed re-naming of Quarry Reserve so that it will be called Perin Reserve instead. The grounds for the complaint were that the word Quarry goes back to the historical roots of the Reserve. It was indeed a sandstone quarry which produced a lot of the sandstone for public buildings built over the last 100 or so years. It provided the sandstone for Randwick Town Hall. Perin is a family name of a local family who have lived in Maroubra for a long time. The word Perin does not convey anything about the historical significance of the reserve and the historical value of the place will be lost if the name change goes ahead."

A motion was proposed at the meeting to write a letter on the behalf of the Precinct to Randwick Council in order to register our complaint about the proposed name change of Quarry Reserve – Proposed by S. Jarrett, unanimously accepted at the meeting. "

**Submission 9:**

"I would like to make a submission in respect of the re-naming of Quarry Reserve. I understand the proposal is to re-name it Perin Quarry to acknowledge the role of Mr Perin in lobbying for its protection. While we understand the request I do not believe that it should be accepted.

There are many people who contribute to our community through precinct committees, volunteer work and lobbying for the protection of various aspects of our environment for instance the recent efforts to protect the sandstone walls in Arden Street. These are valuable efforts, as was Mr. Perin's, but not all of them warrant a permanent change to the names we have grown up with.

In this case the name Quarry Reserve has a strong connection to the fact there was a quarry in the area. one that served the development of Sydney. The plain naming is appropriate as it links to that. I believe that adding Perin dilutes this emphasis and would want to see a stronger connection to the site than that put forward.

Having grown up in Hampson Avenue I know that my generation of to youth have strong memories of it as Quarry Reserve and I do not think that should be disturbed."

**Submission 10:**

"In 1970-1972 Council approved the South Coogee Subdivision in various stages and this Subdivision resulted in the construction of Amour, Hampson, Henning, Cantrill, Ryan Avenues, Vanny Place and Johnston Parade.

The Lands Department provided a large public reserve on the site of the old quarry, east of Henning Avenue, in conjunction with the Crown Subdivision. This area is known as Quarry Reserve. Quarry Reserve is an appropriate name. Should Council so wish it could associate the quarry with buildings in Sydney to bring out their historical background."

**Submission 11:**

**Patrick Howard Walsh**

"I am concerned that this proposal may be considered without reference to the history of the area and the significant contribution made by the Maroubra quarries in shaping the character and appearance of the City of Sydney.

The Council's Storey Street depot was built on the site of a sandstone quarry which produced stone for a number of significant city buildings. The nearby Quarry Reserve was also the site of a major quarrying operation. Both of these quarries produced Hawkesbury sandstone dimensions stone known as "yellow block" which was renowned for its texture colour and durability.

Some of Sydney's major building constructed from yellow block is St Mary's Cathedral, Sydney Town Hall and the Lands Department. Yellow block from Storey Street was used in the construction of Central Railway Station and the Museum of Contemporary Art.

The name Quarry Reserve helps to preserve this strong link between Maroubra and the development of Sydney.

The provision of this public reserve resulted from discussions between officers of the NSW Lands Department and Randwick Council. When the subdivision of this area was being planned by the Lands Department there was regular liaison with the Council. Issues such as the nature and extent of public reserves, the density of development, the planning of roads were discussed. One issue of concern was the proximity of the Council depot to the proposed home sites. Another was the need for the Council to expand the depot in order to provide parking and additional bulk storage. These needs were achieved by the acquisition by the Council of additional land to the east of the depot and the creation of a reserve further to the east of the expanded depot site. The old quarry also presented physical problems for development for housing. The Lands Department understood the need to set aside part of the site for open space and was therefore able to resolve these issues by the creation of Quarry Reserve.

I am not aware of any other issues which may have influenced the Council or the Lands Department to make the decisions to establish this reserve. The old quarry area had certainly been used as an informal play area by local children long before

the Crown subdivision was finalised. However, the area was well provided with open space by Central Park and Latham Park. Extensive areas of parkland had also been set aside by the Crown at Maroubra in earlier subdivisions.

I would urge the Council to retain the name Quarry Reserve and to consider the need to enhance the reserve by the provision of interpretative signage to reflect the significance of the Hawkesbury sandstone quarries in shaping the character and architecture of the City of Sydney."

#### **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome2: A vibrant and diverse community

Direction 2A: Maintain a current understanding of our community needs

Key Actions: Regularly consult our community on their needs.

#### **FINANCIAL IMPACT STATEMENT:**

There is no direct financial impact for this matter.

#### **CONCLUSION:**

Quarry Reserve was gazetted in Government Gazette No. 102 on 1 August, 1975.

It is considered that in view of the history associated with the naming of Quarry Reserve and the importance of the sandstone quarry in shaping the character, charm and architecture of Sydney, the name Quarry Reserve be retained.

#### **RECOMMENDATION:**

That

1. The name Quarry Reserve be retained in view of the history of the area and the significant contribution made by the Maroubra quarries in shaping the character and appearance of Sydney;
2. appropriate signage be installed in Quarry Reserve to reflect this history;
3. the Perin Family be given the opportunity to install a seat and memorial plaque in Quarry Reserve; in honour of the late Eugene Perin;
4. the Geographical Names Board be informed of all submissions; and
5. all parties be thanked for their valued comments and input.

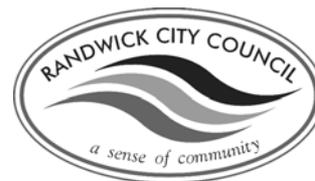
#### **ATTACHMENT/S:**

Nil

.....  
JORDE FRANGOPLES  
DIRECTOR, CITY SERVICES

.....  
MARK SHAW  
MANAGER TECHNICAL SERVICES

## ***Director, Governance & Financial Services' Report 26/2007***



<b>SUBJECT:</b>	NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - SUBMISSION OF MOTIONS
-----------------	--

<b>DATE:</b>	7 May, 2007	<b>FILE NO:</b>	F2006/00000
--------------	-------------	-----------------	-------------

**REPORT BY:** DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

### **INTRODUCTION:**

An invitation has been received from the President of the Australian Local Government Association for all Councillors to submit Notices of Motion for consideration at this year's National General Assembly of Local Government.

### **ISSUES:**

Under the theme "A Climate for Change", this year's assembly will further build on ALGA's 3F Campaign – Fair Federal Funding, Fair Treatment and Formal Recognition. This enables the exploration of a broad range of issues impacting on Local Government, including climate change and its implications for Local Government, the increasing financial sustainability challenges for Local Government and new opportunities that may arise for Constitutional recognition of Local Government.

### **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome 2: A vibrant & diverse community.  
Direction 2c: Strong partnerships between Council, community groups and government agencies.

### **FINANCIAL IMPACT STATEMENT:**

The submission of Notices of Motion has no direct financial impact for Council.

### **CONCLUSION:**

The principles for determining motions for debate are as follows:

1. It must refer to an issue of national significance;
2. It must be relevant to the work of local government; and
3. It must not be anti-ethical to the interests of any one state or territory.

### **RECOMMENDATION:**

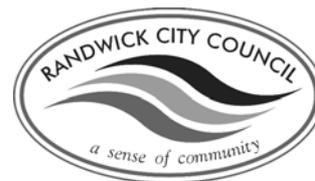
That interested Councillors be invited to submit Notices of Motion to the General Manager for tabling at this year's National General Assembly of Local Government by the submission due date of 10<sup>th</sup> August, 2007.

**ATTACHMENT/S:**

Nil

.....  
GEOFF BANTING  
DIRECTOR, GOVERNANCE & FINANCIAL  
SERVICES

## ***Director, Governance & Financial Services' Report 27/2007***



<b>SUBJECT:</b>	COUNCIL'S ONLINE PROGRESS REPORT
-----------------	----------------------------------

<b>DATE:</b>	10 May, 2007	<b>FILE NO:</b>	F2005/00422
--------------	--------------	-----------------	-------------

**REPORT BY:** DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

### **INTRODUCTION:**

As Council would be aware Randwick City Council is part of a consortium of Councils including Wyong, Parramatta, Lake Macquarie and Hornsby who together formed a syndicate for the provision of a business system solution as a managed service provider, (Capgemini), and is subject to a ten year contract concluding in January 2013.

As reported in October 2006, Capgemini requested final acceptance of Schedule 2 under a draft heads of agreement which set out the terms and conditions for the delivery of outstanding modules and items for inclusion which were considered to be business as usual. Based on advice received from Council's solicitors Eakin McCaffery Cox, Council did not approve or sign the draft heads of agreement as it was advised that there is no benefit to Randwick City Council in executing the deed and that the proposed heads of agreement is too vague to be enforceable.

### **ISSUES:**

Some modules and functionality have still not been provided in accordance with Schedule 2 of the contract with Capgemini, in particular the business papers module. Some of the modules delivered within the solution do not meet Randwick's business requirements.

Taking the above into account, Randwick has still been able to provide a corporate system that meets the organisation's requirements. This has been achieved by:

- the use of the modules and functionalities within the Councils Online solution that meet Randwick's business requirements;
- the purchase of third party products;
- the in-house development of various databases and applications; and
- the use of workarounds where required.

The major module that is yet to be delivered is the business paper module. Whilst continuing to run Council's current business paper system, Randwick's IT Services Section is currently looking at other options outside of the Councils Online solution for delivering a business paper system that can be integrated with Council's electronic document management system and can display agenda items at Councils meetings.

The Councils Online CRM (Customer Relationship Management) module has been developed further to include a GIS/Property link. This allows all service requests to be mapped.

Additional work due to be undertaken or considered as part of Councils Online include:

- a hardware refresh of all hardware housed at the MSP's host site;
- an impending Oracle upgrade of applications and database; and
- the finalisation and rollout of eServices.

Under the new syndicate governance model, each Council's senior management is to sponsor a Business Services Group (BSG). This group addresses how best the Councils Online solution can meet, examines each Council's strategic direction as well as the issues being experienced by each Council. Randwick has convened and completed their obligation in running two BSGs, these being the Assets BSG and the Finance BSG.

Through the Assets BSG, a Strategic Asset Management (SAM) system has been developed according to Randwick specifications. This module is now in the process of being finalised for rollout at each of the 5 Syndicate Councils.

#### **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome: Leadership & Sustainability.

Direction: Continuous improvement based on accountability, transparency and good governance.

#### **FINANCIAL IMPACT STATEMENT:**

As part of the 2006-07 Budget, a ten year information technology strategy was included and adopted. As part of this strategy, license and operating costs for the remainder of the Council's online contract were outlined, as was the cost for additional third party applications and in-house developments.

#### **CONCLUSION:**

Although there have been delays in the rollout of modules and functionality within the Councils Online solution, with some modules still to be deployed and some deployed modules not meeting Randwick's business requirements, Randwick has still been able to develop a corporate system that meets the organisation's current requirements.

#### **RECOMMENDATION:**

That the progress report on the Council's Online Solution be received and noted.

#### **ATTACHMENTS:**

Nil

.....  
GEOFF BANTING  
DIRECTOR, GOVERNANCE & FINANCIAL  
SERVICES

## ***Director, Governance & Financial Services' Report 28/2007***



<b>SUBJECT:</b>	ENVIRONMENT COMMITTEE
-----------------	-----------------------

<b>DATE:</b>	26 April, 2007	<b>FILE NO:</b>	F2005/00775
--------------	----------------	-----------------	-------------

**REPORT BY:** DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

### **INTRODUCTION:**

Councillor Matson has requested that a report be prepared in relation to establishing an Environment Committee.

### **ISSUES:**

#### **Legal requirements:**

#### **How does a Council exercise its functions (s355 of Local Government Act)?**

A function of a Council may, subject to this Chapter, be exercised:

- (b) by a Committee of the Council.

#### **Functions of Committees (c261 of Local Government Regulation)**

- (1) Council must specify the functions of each of its Committees when the Committee is appointed or elected, but may from time to time amend those functions.
- (2) A Committee cannot act outside the extent of the functions granted by Council.
- (3) If Council, by resolution, delegates authority to a Committee to make decisions, then any decisions made by the Committee under such authority shall be decisions of Council.

#### **Council may appoint and wind up Committees (c50 Code of Meeting Practice)**

- (1) Council may, by resolution, establish such Committees as it considers necessary and may wind up such Committees.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

#### **Delegation of authority:**

If Council were to establish an Environment Committee then it would save duplication if the Committee were delegated authority to consider and determine all matters related to the natural environment. This would involve the discontinuation of both the Greening Randwick Committee and the Mayor's Water Reference Group and the

establishment of a Committee of Councillors that would have delegated authority to act.

Council needs to be specific about what functions are to be delegated to the Environment Committee and, in this regard, it is suggested that the delegation be as follows:

**OBJECTIVE** - To enable matters relating to the natural environment, and relevant associated matters, to be quickly and effectively dealt with.

**POLICY STATEMENT** - That, pursuant to the powers conferred on Council by Section 377 of the Local Government Act, 1993, and subject to compliance with Council's policy, the Council hereby delegates to and authorises the Environment Committee of Council until it shall otherwise resolve, to exercise all powers, authorities and functions vested in Council by the Local Government Act, 1993, and Regulations made thereunder (or other appropriate Act or Regulation which vests the particular powers in Council), and which are applicable to the delegation. The said powers, authorities, duties and functions are conferred until such time as the Council may otherwise resolve.

**DELEGATIONS** - To determine matters associated with the natural environment and other associated environmental issues.

#### **Committee membership and meeting schedule:**

Council needs to determine the following issues in relation to the proposed Environment Committee:

- Number of members & quorum for meetings
- Nomination of members
- Meeting schedule.

#### **Current Committee Meeting schedule and number of members:**

<b>Committee</b>	<b>Meeting schedule</b>	<b>No. of members</b>
Community Services	2 <sup>nd</sup> Tuesday of the month at 5:30pm	7
Administration and Finance	2 <sup>nd</sup> Tuesday of the month at 6:00pm	8
Works	2 <sup>nd</sup> Tuesday of the month at 6:00pm	8
Health, Building & Planning	2 <sup>nd</sup> Tuesday of the month at 6:30pm	15

Based on the current Committee structure, it would be logical for the Environment Committee to be comprised of 8 members (with a quorum of 5 members).

The Environment Committee could meet on the 2<sup>nd</sup> Tuesday of the month at 5:30pm. Meetings would then follow Community Services Committee meetings (as there is normally a break between the conclusion of Community Services Committee Meetings and the commencement of the Administration & Finance Committee at 6:00pm).

#### **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome 10: A healthy environment.

Our environment will be protected, enhanced and promoted for future generations.

Direction 10a: Council is a leader in fostering environmentally sustainable practices.

**FINANCIAL IMPACT STATEMENT:**

There is no direct financial impact for this matter.

**CONCLUSION:**

An Environment Committee be established and that the Environment Committee be a Committee of Councillors with delegated authority to determine matters relating to the natural environment. In order to avoid duplication, it is suggested that both the Greening Randwick Committee and the Mayor's Water Reference Group be discontinued and the matters currently considered by the Greening Randwick Committee and the Mayor's Water Reference Group be transferred to the Environment Committee.

**RECOMMENDATION:**

That:

- (a) an Environment Committee (being a Committee of Council) be established;
- (b) the Environment Committee be made up of eight (8) Councillors (with a quorum of five (5) members);
- (c) the Committee be delegated authority to determine matters associated with the natural environment and other associated environmental issues (in accordance with the policy statement contained in the report);
- (d) the Environment Committee meet on the 2<sup>nd</sup> Tuesday of each month at 5:30pm and the inaugural meeting be held in July 2007;
- (e) Council's Code of Meeting Practice be updated accordingly;
- (f) the members, Chairperson and Deputy Chairperson of the Environment Committee be determined; and
- (g) the Greening Randwick Committee and the Mayor's Water Reference Group be discontinued and the community members who currently serve on these committees be thanked for their contribution to the committees and advised of the reasons for the discontinuation of the committees.

**ATTACHMENT/S:**

Nil

.....  
GEOFF BANTING  
DIRECTOR, GOVERNANCE & FINANCIAL  
SERVICES

## ***Director, Governance & Financial Services' Report 29/2007***



<b>SUBJECT:</b>	DETERMINATION OF THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2007/2008 FEES FOR COUNCILLORS AND MAYORS
-----------------	---

<b>DATE:</b>	9 May, 2007	<b>FILE NO:</b>	F2004/06576
--------------	-------------	-----------------	-------------

**REPORT BY:** DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

### **INTRODUCTION:**

The Local Government Remuneration Tribunal has handed down its 2007 Annual Review report and determinations with respect to the annual fees to be paid to Mayors and Councillors effective from 1 July 2007.

### **ISSUES:**

The determination in relation to the fees paid to Mayors and Councillors, which was Gazetted on 4 May 2007 (NSW Government Gazette No. 63) is as follows:

*"The Tribunal has reviewed the current economic data including cost of living figures. The Tribunal has also noted that since the Tribunal's last determination, State public servants and other office holders have received annual increases of 4 percent and that Members of Parliament received an increase of 7 percent. The Tribunal, after considering the above and, after taking the views of the Assessors into account, considers that an increase of four (4) percent in the fees for Councillors and Mayors is appropriate and so determines."*

The 4% increase is effective on and from 1 July 2007.

Randwick City Council is a Category 1 Council and the following remuneration ranges are available:

Councillors Annual Fee:	Minimum \$9,905	Maximum \$18,510
Mayor's Annual Fee:	Minimum \$21,070	Maximum \$49,165.

A copy of the report and determination by the Local Government Remuneration Tribunal is available on the Department of Local Government's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

### **RELATIONSHIP TO CITY PLAN:**

There is no relationship with the City Plan.

### **FINANCIAL IMPACT STATEMENT:**

The draft Budget for 2007/2008 includes an allowance for Councillors' Fees in the amount of \$275,000 (i.e. \$18,333 per Councillor) and a Mayor's Allowance of \$50,000. The minor adjustments required, to bring the budget in line with the actual fees, will be dealt with as part of the first quarterly review of the 2007/2008 budget.

Council has resolved (at the 14 June 2005 Administration & Finance Committee Meeting) that 10% of the Mayor's Annual Fee be paid to the Deputy Mayor.

**CONCLUSION:**

Council has, in the past, set its fees at the maximum allowable. The Remuneration Tribunal's determination of 30 April 2007 is effective from 1 July 2007.

**RECOMMENDATION:**

That a Councillor's Annual Fee of \$18,510 and a Mayor's Annual Allowance of \$49,165 be set for the 2006/2007 financial year in accordance with the Remuneration Tribunal's determination of 30 April 2007 (Gazetted on 4 May 2007) and that these fees be effective from 1 July 2007.

**ATTACHMENT/S:**

Nil

.....  
GEOFF BANTING  
DIRECTOR, GOVERNANCE & FINANCIAL  
SERVICES

.....  
JULIE HARTSHORN  
SENIOR ADMINISTRATIVE  
COORDINATOR

## ***Director, Governance & Financial Services' Report 30/2007***



<b>SUBJECT:</b>	2006/07 - BUDGET REVIEW AS AT 31 MARCH 2007
-----------------	---

<b>DATE:</b>	23 April, 2007	<b>FILE NO:</b>	F2006/00689
--------------	----------------	-----------------	-------------

**REPORT BY:** DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

### **INTRODUCTION:**

Section 203(1) of the *Local Government (General) Regulation 2005* requires that at the end of each quarter, a Budget Review Statement be prepared and submitted to Council that indicates the latest estimates of income and expenditure for the 2005/2006 year.

The regulation (Section 203(2)) also requires that the budget review statement must include, or be accompanied by:

- I. A report as to whether or not the responsible accounting officer believes that the Statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure; and
- II. If that position is unsatisfactory, recommendations for remedial action.

### **ISSUES:**

This report is a review of the Council's 2006/2007 current budget and recommends adoption of a revised budget for 2006/2007.

It proposes variations to Council's adopted budget, which will result in a projected surplus at year end of **\$120,909**. Major variations to the budget are highlighted below.

<b>FINANCIAL POSITION</b>	<b>\$</b>
<b>Original projected deficit/(surplus)</b>	<b>NIL</b>
<b>Projected deficit/(surplus) as at 31 December 2006</b>	<b>(55,280)</b>
<b>Variations Proposed This Review</b>	
Increase in Expenditure	822,227
Decrease in Expenditure	(625,000)
Increase in Income	(281,856)
Decrease in Income	19,000
<b>Total Variations This Review</b>	<b>(65,629)</b>
<b>Projected deficit/(surplus) as at 31 March 2007</b>	<b>(120,909)</b>

Attachments 1 to 2 summarised Council's Financial Performance and Source and Application of Funds.

Comments on all variations are listed in the table below. Attachment 3 contains a schedule of all variations.

### PROPOSED BUDGET VARIATIONS

	Increase / (Decrease) in Expenditure	(Increase) / Decrease in Income
<b><u>INCREASE IN EXPENDITURE</u></b>		
<b>1. <u>Printing &amp; Design</u></b>	<b>57,818</b>	
Additional expenditure required for Printing Supplies		
<b>2. <u>Telephone &amp; Communication</u></b>	<b>60,000</b>	
Additional expenditure for network cabling & communication charges.		
<b>3. <u>Recruitment</u></b>	<b>30,000</b>	
Additional expenditure required for recruitment of staff.		
<b>4. <u>A.R. Bluett Award</u></b>	<b>100,000</b>	
Expenditure for A.R. Bluett Award		
<b>5. <u>Street Trees &amp; TPOs Contracts Other</u></b>	<b>100,000</b>	
Additional funds required for Street Trees		
<b>6. <u>Bowen Library Refurbishment</u></b>	<b>78,630</b>	
Planning and Design Costs for Bowen Library Refurbishment		
<b>7. <u>Randwick Library Refurbishment</u></b>	<b>67,000</b>	
Expenditure required for Randwick Library Refurbishment		
<b>8. <u>Works Depot – WIP Contracts</u></b>	<b>38,000</b>	
Additional Expenses for Storey Street Depot Refurbishment		
<b>9. <u>Yarra Oval Project</u></b>	<b>310,000</b>	
<b><u>Transfer from Infrastructure Reserve</u></b>	<b>(150,000)</b>	
Expenditure for Yarra Oval Project partly funded from Infrastructure Reserve		
<b>10. <u>Library Plant &amp; Equipment</u></b>	<b>30,000</b>	
Expenditure required for Malabar Library furniture		
<b>11. <u>Library Contracts Other</u></b>	<b>10,779</b>	
Expenditure required for Local Priority Local		

	Increase / (Decrease) in Expenditure	(Increase) / Decrease in Income
Grant Project		
<b>12. <u>Microfilming</u></b>	20,000	
Increased allocation of plans & docs for microfilming / CD		
<b>13. <u>Development Assessment – Consultancies</u></b>	70,000	
Maroubra Beach Town Centre Urban Design Study		
<b><u>DECREASE IN EXPENDITURE</u></b>		
<b>14. <u>Parking Patrol Fine Processing Fee</u></b>	(465,000)	
<b><u>Ordinance Inspection Fine Processing Fee</u></b>		
Expenditure not required		
<b>15. <u>Strategic Planning – Consultancies</u></b>	(100,000)	
Expenditure less than anticipated.		
<b>16. <u>Parks &amp; Recreation Contracts Other</u></b>	(30,000)	
Expenditure not required		
<b>17. <u>Administrative Services Printing &amp; Design</u></b>	(30,000)	
Savings in Printing & Design Costs		
<b><u>INCREASE IN INCOME</u></b>		
<b>18. <u>Residential &amp; Business Rates Levy</u></b>		(120,542)
Increase in income due to additional supplementary levies.		
<b>19. <u>Section 603 Fees</u></b>		(36,490)
<b><u>Section 611 Charges</u></b>		
Increase in Section 603 & Section 611 Income		
<b>20. <u>Community Development Subsidy</u></b>		(21,071)
Additional Generalist Youth Grant received.		
<b>21. <u>General Community Operating Grants &amp;</u></b>		(8,598)
<b><u>Contributions</u></b>		
<b><u>Vacation Play Centres Income</u></b>		
Additional income received from Grants, Contributions and Vacation Play Centres.		
<b>22. <u>Library Development Grant</u></b>		(1,779)
Additional income from grant.		
<b>23. <u>Complying Development Certificates</u></b>		(5,500)
<b><u>Income</u></b>		
<b><u>Commissions Income</u></b>		

	<b>Increase / (Decrease) in Expenditure</b>	<b>(Increase) / Decrease in Income</b>
Increase in the number of CDC applications and increased income from LSL commissions.		
<b>24. <u>Construction Zone Fees</u></b>		<b>(87,876)</b>
<b><u>Integrated Transport Fees Other</u></b>		
<b><u>Resident Parking Scheme/Permit</u></b>		

Additional income received.

#### **DECREASE IN INCOME**

<b>25. <u>Library Photocopying Fee</u></b>	<b>19,000</b>
<b><u>Library Fines</u></b>	

Income less than anticipated based on current trends.

#### **RELATIONSHIP TO CITY PLAN:**

The relationship with the City Plan is as follows:

Outcome: Outcome 1: Leadership in Sustainability.  
Direction: 1c: Long term financial viability is achieved.

#### **FINANCIAL IMPACT STATEMENT:**

The proposed variations listed in this report and in Attachment 3 will result in a projected surplus at year end of **\$120,909**.

#### **CONCLUSION:**

Council's Director Governance & Financial Services as the responsible accounting officer, advises that the projected financial position is satisfactory.

#### **RECOMMENDATION:**

That:

- a) the report in relation to the March 2007 budget review be received and noted; and
- b) the proposed March 2007 budget variations shown in Attachment 3 to this report be adopted.

**ATTACHMENT/S:**

ALL UNDER SEPARATE COVER -

1. INCOME STATEMENT & SOURCE AND APPLICATION OF FUNDS
2. BALANCE SHEET
3. BUDGET VARIATIONS

.....  
GEOFF BANTING  
DIRECTOR, GOVERNANCE & FINANCIAL  
SERVICES

## MOTIONS PURSUANT TO NOTICE

### **13.1 Notice of Rescission Motion by Councillors Matson, Notley-Smith and Woodsmith – Health, Building & Planning Committee Meeting 8<sup>th</sup> May 2007 – Item 6.2 – Development Application Report – 9 Vale Street, Clovelly. (DA/102/2007 & PROP003678)**

That the resolution passed at the Health, Building and Planning Committee Meeting held on 8<sup>th</sup> May 2007, reading as follows:-

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/102/2007 & PROP003678 for alterations and additions to an existing semi-detached dwelling including a new first floor at 9 Vale Street, Clovelly 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 20316-01 rev A, dated February 2007 and received by Council on 12<sup>th</sup> 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. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.  
  
Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.
3. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.
4. 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.
5. The kitchen and bathroom windows (identified as being retained) located on the ground level eastern elevation shall be fixed and obscured to a sill height of 1.5m above floor level in order to maintain reasonable levels of privacy and amenity to the eastern neighbour.
6. The proposed first floor rear "Juliet" balcony shall be deleted and the associated door opening shall be replaced with a window having a minimum sill height of 1.2m above the first floor level.

7. The aluminium framed glazed roof to the living room at the rear ground floor level shall be suitably treated in order to minimise reflection. Details shall be provided to and approved by the Director of City Planning prior to a construction certificate being issued for the proposed development.

**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](http://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 imposed to promote ecologically sustainable development and energy efficiency.**

9. 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.
10. 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.

11. 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)
12. 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.
13. Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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

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

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

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

15. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

16. 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.

17. 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.

18. **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.

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

19. **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.

20. 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.

21. 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".
22. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

24. 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.

25. 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.

26. 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:**

27. The demolition of buildings and the removal, storage, handling and disposal of building materials (including asbestos) 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

28. 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.

29. 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.
30. 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.
31. 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.

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.

32. 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.

33. 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

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.

34. 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.
35. If it is proposed to locate any site fencing, hoardings or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

37. A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.

**ADVISORY MATTERS:**

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

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

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

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

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

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

BE AND IS HEREBY RESCINDED.

Upon the abovementioned Rescission Motion being carried, it is intended to move the following motion: -

That the matter be reconsidered.

**13.2 Motion By Councillor Belleli – Flooding in Harold Street, Matrville.  
(F2004/08299 xr PROP030187 xr F2005/00171)**

That:

- (a) a report be prepared regarding any flooding in Harold Street, Matrville as per the petition and request from residents dated 26<sup>th</sup> March 2007, (Note: the petition, photos and request will be tabled at the Council meeting when this motion is presented);
- (b) the Council report contain an assessment of what is the problem after speaking to the residents that signed the petition especially, inspecting photos taken by residents at Nos 16, 20 & 22 Harold Street, Matrville and inspection of the road, kerb and guttering, footpath and properties, and include suggestions on how to fix the situation;
- (c) if Council is able to help rectify the problem, Council be informed of the approximate cost and that amount to be considered for inclusion in the 2008/09 Budget.