

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 25TH SEPTEMBER, 2007 AT 6:00 P.M.**

PRESENT:

The Mayor, Cr B. Notley-Smith (Chairperson) (East Ward)

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

North Ward - Crs J. Kenny, P. Tracey & M. Woodsmith

South Ward - Cr R. Belleli

West Ward - Crs B. Hughes, S. Nash &
J. Procopiadis

Central Ward - Crs A. Andrews, C. Bastic (from 6.34pm)
& T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, technical Services	Mr. M. Shaw.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager, Development Assessment	Mr. K. Kyriacou.
Manager, Health, Building & Regulatory Services	Mr. R. Wereszczynski.
Coordinator, Development Assessment	Mr R. Quinton.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Cr Kenny. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Daley, Sullivan and White.

RESOLVED: (Belleli/Procopiadis) that the apologies from Crs Daley Sullivan and White for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 25th September, 2007 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 28TH AUGUST, 2007.

266 **RESOLUTION: (Kenny/Matson)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 28th August, 2007 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

Cr Belleli declared a non pecuniary interest in Item 6.1 as his wife's dance school has provided free entertainment at this event previously and may be involved again this year.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES REPORT 56/2007 – PRESENTATION FINANCIAL REPORTS YEAR ENDED 30 JUNE 2007.

Auditor Mr Norm Mah-Chut, Spencer Steer Auditors

Item 8.1 DIRECTOR, CITY PLANNING REPORT 70/2007 - 9 TOWER STREET, COOGEE.

Objector Mr Jason Young

Applicant Mr Gerry Carol on behalf of the Applicant

Item 8.2 DIRECTOR, CITY PLANNING REPORT 71/2007 - 29 BAY PARADE, MALABAR.

Objector Mr Phil Lehmon on behalf of the Applicant

Applicant Miss Susan Moore

Item 8.4 DIRECTOR, CITY PLANNING REPORT 73/2007 - 133 - 149 BEAUCHAMP ROAD, MATRAVILLE.

Applicant Mr Steven White

Item 8.5 DIRECTOR, CITY PLANNING REPORT 74/2007 – 1408 ANZAC PARADE, LITTLE BAY.

Objector Mr Duncan Reed on behalf of the Objectors

Applicant Mr Geoff Martin

Item 9.3 GENERAL MANAGER'S REPORT 34/2007 – MALABAR HEADLAND - PROPOSED RENEWAL OF LICENCE AGREEMENT BETWEEN THE COMMONWEALTH AND NSW RIFLE ASSOCIATION.

For Ms Ariel Marguin

Item 10.1 DIRECTOR, CITY SERVICES' REPORT 68/2007 - MAHON POOL FACILITIES.

Against Mr Francis Farmakidis

Item 13.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS SENG, HUGHES & WOODSMITH - ORDINARY COUNCIL MEETING, TUESDAY 28TH AUGUST, 2007 – ITEM 8.4 - DIRECTOR CITY PLANNING REPORT 54/2007 – 28 WALSH AVENUE, MAROUBRA (NAGLE PARK).

Against Ms Samantha Coates

The meeting was adjourned at 6.58 p.m. and was resumed at 7.24 p.m.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Nash) that items 10.1 and 13.1 be considered at this stage of the meeting and the Mayoral Minutes be dealt with as the last items of business.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 95/2007 – WAIVING OF FEES - ST MARKS ANGLICAN CHURCH, MALABAR - CAROLS BY CANDLELIGHT. (F2004/08135)

267 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council vote \$10,513.83 to cover the fees associated with the "Carols By Candlelight" to be held on 8th December, 2007, and that these funds be allocated from the 2007/08 Contingency Fund;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;*
- c) *the Mayor or his representative be given the opportunity to address the event on behalf of Council; and*
- d) *provide Council with information following the event on the number of attendees.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.2 MAYORAL MINUTE 96/2007 – CLOVELLY BEACH BUS TRAM SHELTER - CARE CONTROL & MANAGEMENT. (F2004/06774)

268 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that Council writes to the State Transit Authority to request transfer of the premises to the Department of Lands for incorporation into the South Headland Reserve and Council undertake the necessary repairs and maintenance to the external fabric and public accessible areas of the bus shelter under The South Headland Reserve Trust.**

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.3 MAYORAL MINUTE 97/2007 - ROSELLA ABORIGINAL WOMEN'S VIGORO SPORTING CLUB. (F2006/00216)

269 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council fund the amount of \$2,000.00 to assist the Rosella Aboriginal Women's Vigoro Sporting Club to celebrate its 75 years in sport, such funds to come from the Council's Contingency Fund; and*
- b) *in all publicity relating to the event, Council is acknowledged for its contribution.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.4 MAYORAL MINUTE 98/2007 – COMMUNICATION THROUGH SMS. (F2005/00684)

270 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that a further report be provided outlining the costs, resources and benefits supporting the implementation of a system for communicating with residents via SMS (Short Message Service).**

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.5 MAYORAL MINUTE 99/2007 - SHORE-BASED FACILITY TO SUPPORT OFFSHORE CONSTRUCTION FOR KURNELL DESALINATION PLANT. (F2005/00919)

271 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) Council write to the Premier and the Minister for Planning reiterating its objection to the construction of the desalination plant on the grounds of impacts to Botany Bay, green-house gas emissions, sustainability issues and lack of consideration of alternatives for seawater desalination; and
- b) Council write to the Minister for Planning objecting to the proposed shore facility on the grounds that the proponent has not given clear justification for the site selection in Fishburn Road. A shore facility closer to Kurnell would avoid the need for extensive road transport of recovered sediment from the offshore drilling site.

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

Cr Bastic requested that his name be recorded as opposed to the resolution.

6.6 MAYORAL MINUTE 100/2007 – REQUEST FOR ASSISTANCE AND SUPPORT FOR A COMMUNITY INFORMATION SESSION INITIATIVE. (F2007/0001)

272 **RESOLUTION: (Mayor, Cr. B. Notley-Smith)** that: Council support this request and allow Wesley Mission to use Council's Randwick Room to provide this service for 20-25 Randwick residents.

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

7. URGENT BUSINESS.

Nil.

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 70/2007 - 9 TOWER STREET, COOGEE. (DA/837/2006 & PROP002649)

273 **RESOLUTION: (Hughes/Matson)** 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/837/2006 for alterations and new first floor addition to the existing single storey semi-detached dwelling house including new front balcony at first floor, new front fence and roller shutter door. at No. 9 Tower Street, Coogee, subject to the following conditions: -

1. The development must be implemented substantially in accordance with the plans numbered 2 and 3A, dated September 2006 and received by Council on 29 September 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. The roof of the proposed first floor addition to the existing dwelling must be implemented in accordance with the details shown on the amended plan numbered A, dated April 2007 and received by Council on 11 April 2007.
3. The proposed pitched roof overhang to the first floor east-facing balcony must be deleted to minimise view loss from No. 5 Tower Street.
4. The front setback of the proposed first floor living room must be increased a further 200mm from the front boundary to allow a sharing of views.

5. *A Construction Certificate for DA consent 837/2006 must not be issued by Council or the Certifying Authority unless that Construction Certificate also incorporates DA consent 838/2006.*

Reason:

Council is of the opinion that approval of both DA 837/2006 and DA 838/2006 is warranted only in circumstances where both semi-detached dwellings, known as Nos. 7 & 9 Tower Street, Coogee are acted upon concurrently. The condition is imposed to prevent the owner/s of either property engaging a private certifier to issue an individual construction certificate for their property. Failure to comply with this condition would amount to an offence pursuant to the Environmental Planning and Assessment Act. In the absence of both consents being acted upon concurrently a streetscape issue may arise.

6. *An Occupation Certificate must not be issued for the first floor addition to the subject development prior to the adjoining dwelling at 7 Tower Street (DA/838/2006) being constructed at least up to "lock up" stage (completion of all structural work, internal and external wall frame, roofing, guttering and drainage and external walls/cladding and finishes) to the satisfaction of Council.*
7. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing and adjacent development to maintain the integrity and amenity of the building and the streetscape.*

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

8. *At no time shall any privacy screening devices be placed or erected on the northern side of the first floor balcony. The glazing to the first floor balustrade shall be clear/transparent glass.*
9. *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.*
10. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
11. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
12. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
13. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*

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

14. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

15. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

16. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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:

17. *Surface water/stormwater must be drained and discharged to the street gutter to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.*

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.

18. *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a 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:

19. *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.

20. *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.*

21. **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.

22. **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.

23. *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.

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

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

25. *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.

26. ***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.

27. *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.*

28. *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.

29. *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:

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

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

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

31. 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.

32. 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.

33. 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.

34. *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.*

35. *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.

36. *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.

37. *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.

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

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

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

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

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

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 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:

40. *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.*

The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:

41. *A Road Opening Permit must be obtained from Council's City Services Department prior to opening-up or carrying out any proposed works within the road, footpath, nature strip or other public place and all works including repairs are to be carried out to Council's satisfaction.*

Civil Works Conditions

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

42. *Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:*

- a. Reconstruct/extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.*

43. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's roadway, 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.*

Alignment Level Conditions

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

45. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, 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. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
47. *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.*

Drainage Conditions

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

48. *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.*
49. *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 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² 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.

50. *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.*

51. *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.

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

Service Authority Conditions

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

53. *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.*

54. *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.*

Advisory Conditions

A1 *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 advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

A2 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

8.2 DIRECTOR, CITY PLANNING REPORT 71/2007 - 29 BAY PARADE, MALABAR. (DA/37/2007 & PROP025558)

274 **RESOLUTION: (Andrews/Matson)** *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/37/2007 for permission to carryout alterations and additions to the existing dwelling a construct a new garage within the rear yard 29 Bay Parade, MALABAR 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 11807, undated and received by Council on the 5th July 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 Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.

3. *Metal roof sheeting is to be painted or colour bonded and is not to be white or light colour, to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
4. *There must be no encroachment of the structure onto any adjoining property and the boundaries of the site are to be accurately established prior to the commencement of any building works.*
5. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
6. *To reduce the impact of the height of the garage upon the amenity of the adjoining properties the overall height of the garage is to be reduced to a maximum of 3.2m and plans accompanying the Construction Certificate are to be amended accordingly.*
7. *The front section of the roof of the dwelling is to be lowered by 500mm to reduce the impact upon the amenity of the adjoining dwellings.*
8. *The proposed weather screen to the patio at ground level is to be of clear glazing to maintain the view to Malabar Headland from the front of the adjoining dwelling.*

9. *The garage is to be used in conjunction with the dwelling only and not for any separate occupation or business use.*
10. *The window (W1) within the upper level retreat in the northern elevation is to be of obscured glazing to a height of 1.5m above floor level to maintain privacy to the adjoining dwelling.*
11. *The proposal shall maintain the existing side boundary setback of the existing dwelling to the front section of the southern elevation. Details to be submitted and approved by the Director of City Planning prior to the issuing of a construction certificate.*
12. *The balustrade to the upper level balcony is to be of clear glazing.*

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

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

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

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

*The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before commencing any works.***

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

14. *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.*
15. *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.

16. *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)
17. 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 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:

18. 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.

19. 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:

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

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

21. All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

22. **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.

23. **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.

24. *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.*

25. *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".*

26. 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.

27. **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.

28. 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.*

29. 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.

30. *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:

31. *The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:*

- *The requirements and Guidelines of WorkCover NSW*
- *Occupational Health and Safety Act 2000*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (Waste) Regulation 1996.*

32. *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 any asbestos materials 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.*

33. *Any work involving the demolition, storage and disposal of asbestos products and*

materials must be carried out in accordance with the following requirements:

- a. Relevant Occupational Health & Safety legislation and WorkCover NSW requirements*
- b. Randwick City Council's Asbestos Policy (adopted 13 September 2005)*
- c. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 50 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*
- d. On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.*
- e. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*
- f. A Clearance 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 asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.*

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

- 34. 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.

- 35. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.*

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located 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*
- effectively support the excavation and building; 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 and particulars of the works to the owner of the adjoining land.*

Notes

This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:

- a) the consent of the owners of such adjoining or supported land to trespass or encroach, or*
- b) an access order under the Access to Neighbouring Land Act 2000, or*
- c) an easement under section 88K of the Conveyancing Act 1919, or*
- d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.*

Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

- 36. 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.

- 37. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*

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

- 38. 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.

39. *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.

40. *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 the Construction Site Management Plan which must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**.*

41. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:*

- a. *Building materials, sand, soil, waste materials, construction equipment or other activities 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.*
- b. *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.

- c. 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. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.*
- d. Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

- 42. 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/upper floor addition.*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

- 43. The installation of rainwater tanks shall comply with the following noise control requirements:-*

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

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

- b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:*
 - before 8.00am or after 8.00pm on weekends or public holiday; or*
 - before 7.00am or after 8.00pm on weekdays.*

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

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

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

8.3 DIRECTOR, CITY PLANNING REPORT 72/2007 - 61 HIGH STREET, RANDWICK. (DA/468/2007 & RPO044610)

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

- A. *the requirement for the submission of a Master Plan under Clause 40A of Randwick Local Environmental Plan 1998, as amended be waived on the grounds that the proposed development is minor and ancillary to the current use of the land.*
- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/468/2007 & PROP044160 for Proposed additions to Prince of Wales Medical Research Institute, comprising additional open office spaces located to the northeast & southwest corners of the building envelope, additional stairs and rooftop plant room located above the north-eastern addition. at 61 High Street, Randwick subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with the plans numbered DA002/01, DA003/01, DA004/01, DA005/01 and DA006/01, dated April 2007 and received by Council on 12 June 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:*

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

2. *The proposed additions to the north-eastern corner of the existing building are to be implemented in accordance with the sketch numbered SK001 Revision B, dated 13 September 2007 and received by Council on 13 September 2007, and letters prepared by Ian McGilvray dated 11 and 13 September 2007.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to the commencement of works on the site.*
4. *In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potent extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act.*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

5. *A report or correspondence prepared by a suitably qualified and experienced person shall be obtained prior to a **construction certificate** being issued for the*

works, which demonstrates that noise and vibration from the air conditioning plant and equipment will satisfy the relevant provisions of the Protection of the Environment Operations Act 1997 and relevant regulations, guidelines and conditions of approval. A copy of the report or correspondence is to be included in the construction certificate documentation.

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

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

7. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
8. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

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

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

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

11. *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.

12. *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.*
13. *The applicant must provide certification of compliance with the Building Code of Australia as required by Clause 116G of the Environmental Planning & Assessment Act, 1979.*

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

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

14. *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.

15. *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.*
16. *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.*
17. *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 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.

18. *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.*

19. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
20. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

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

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

21. *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.

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

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

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

The following condition is applied to provide adequate consideration for service authority assets:

24. *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 condition is applied to provide adequate provisions for drainage and associated infrastructure:

25. Stormwater runoff from the site shall be discharged either to the existing stormwater system within the site.

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

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

Tree Management

27. Approval is granted for the removal of the following trees in order to accommodate the proposed works as shown, subject to the planting of 1 x 75 litre (pot size at the time of planting) replacement tree (not a palm) in the open grassed area fronting Barker Street. The species selected shall be a native that will attain a minimum height of 6 metres at maturity:
- a) One *Melaleuca quinquinervia* (Broad Leafed Paperbark) between the existing Hospital Building and Ambulance Station, fronting Barker Street;
 - b) One *Grevillea robusta* (Silky Oak) immediately to the north of the tree described in point a (above);
 - c) The two smaller, most southern *Corymbia maculata* (Spotted Gums) near the northeast corner of the existing Hospital building.
28. Permission is granted for the selective pruning of only those lower growing branches from the western and southern sides of the most northern *Corymbia maculata* (Spotted Gum) in the group of three to be retained, near the northeast corner of the existing Hospital Building, adjacent the Black Dog Institute and Kiloh Centre, which need to be specifically pruned in order to avoid damage/conflict during the course of the proposed works.
29. All pruning must be undertaken by an Arborist holding a minimum of Level III in Arboriculture, and who is a registered member of a nationally recognized organisation.
30. Pruning shall be performed to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees', and will not be such an amount that will substantially, and unnecessarily alter the existing habit or form of this tree.

Tree Protection Measures

31. In order to ensure the retention of the largest, most northern *Corymbia maculata* (Spotted Gum) in the existing group of three trees, near the northeast corner of the existing Hospital building, adjacent the Black Dog Institute and Kiloh Centre in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation will be required to show the retention of this specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b. All detailed documentation will be required to show that a setback of 5 metres will be provided between the outside edge of its trunk and the northern side of the proposed open office area.
 - c. There shall be no alteration in the existing soil levels or the location of any

structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within the setback specified in point b (above), with all site services needing to be designed accordingly.

- d. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 4.0 metres off the southern side of its trunk (to allow for scaffolding), as well as along the back of the kerb to the east and north of the trunk, matching up with the existing Hospital building, in order to completely enclose this tree for the duration of the works.*
- e. Signage containing the following words "TREE PROTECTION ZONE, DO NOT ENTER", shall be clearly displayed and permanently attached to the fencing which will be installed prior to the commencement of demolition and construction works, and will need to remain in place until all works are completed.*
- f. Any excavations associated with the northern edge of the proposed open office space, at the 5 metre setback point described in point b of this condition above, shall be initially undertaken by hand, to a minimum depth of 800mm in order to identify the size and location of roots in this area.*
- g. Any roots encountered shall be cut cleanly by hand, by or under the supervision of, a suitably qualified Arborist, with the end of the affected roots to be treated with an industry accepted root hormone, whereupon the trench shall be backfilled as soon as practically possible with existing site soil.*
- h. Within this protection zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
- i. Woodchip mulch to a minimum depth of 75mm shall be provided throughout the protection area prior to commencement, and shall be maintained for the duration of works.*
- j. Irrigation shall be administered as appropriate in order to ensure adequate levels of moisture are maintained so that any stress/disturbance to this tree is minimised during the course of the works.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

8.4 DIRECTOR, CITY PLANNING REPORT 73/2007 - 133-149 BEAUCHAMP ROAD, MATRAVILLE. (DA/491/2007 & PROP018554 & 026484)

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

- A. *Council adopt the amendments to the Deemed DCP applicable to the site to provide for an industrial warehouse development comprising 2 strata titles buildings (containing a total of 23 units) 6 Torrens-title buildings, on-site parking and landscaping at 133-149 Beauchamp Road, Matraville, and a new DCP be submitted to Council incorporating the variations detailed in Table 2 of Section 5.2 of the applicant's Statement of Environmental Effects, pursuant to Section 74 of the Environmental Planning and Assessment Act 1979.*
- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/491/2007 for demolition of existing building & construction of industrial warehouse development comprising 2 strata titles buildings (containing a total of 23 units) 6 Torrens-title buildings, on-site parking and landscaping at 133-149 Beauchamp Road, Matraville, subject to the following conditions: -*
 1. *The development must be implemented substantially in accordance with the plans A10, A11, A12, A13 and DEM01, all Revision A and all dated 13 June 2007, stamped received by Council on 18 June 2007; and A20 and A21, all Revision B and dated 13 September 2007 and stamped received by Council on 13 September 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:*

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

2. *The external colours, materials and finishes of the proposed development (with the exception of the proposed glazed acoustic screen structure) shall be in accordance with the sample board details and elevations prepared by Thiessen Architects, submitted to and received by Council on 9 August 2007.*
3. *Details of bicycle parking/storage indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director – City Planning in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the development.*

4. *Details of carparking distribution for tenants/occupiers of industrial/warehouse units and visitors shall be submitted to and approved by Council's Director – City Planning in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the development.*
5. *Street numbering must be provided to the premises in a prominent position to the satisfaction of Council.*
6. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
7. *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.*
8. *Details of the proposed colour of the roof are to be submitted to and approved by the Director of City Planning, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a Construction Certificate being issued for the development.*
9. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area. Details of the proposed outdoor lighting designed to comply with AS4282 – 1997 Control of Obtrusive Effects of Outdoor Lighting and any other relevant standard are to be prepared by a qualified lighting specialist/consultant and are to be submitted to and approved by the Director of City Planning, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a Construction Certificate being issued for the development.*
10. *The development shall not be used for the purposes of a container depot or transport depot. A copy of this determination shall be included in any future sale or lease documentation so as to ensure future owners and occupiers are advised and aware of this relevant requirement.*
11. *The storage of potentially hazardous materials and potentially offensive materials is prohibited without prior consent from Council and/or any other relevant authority should approval be granted for the application. A copy of this determination shall be included in any future sale or lease documentation so as to ensure future owners and occupiers are advised and aware of this relevant requirement.*
12. *All signage zones on external walls shall be deleted and amended plans indicating a reduced number of signage zones of uniform size and orderly distribution shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
13. *The consent of Council must be obtained prior to the erection of any advertising unless exempted under Council's Development Control Plan - Exempt and Complying Development.*
14. *Development consent is required to be obtained in relation to the specific 'use and operation' of industrial/warehousing tenancies or occupancies, in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*

The following condition is applied to meet the requirements of the NSW Department of Water and Energy:

15. *Development of the site must be implemented substantially in accordance with the General Terms of Approval issued by the NSW Department of Water and Energy as detailed in the letter from the Department dated 9 August 2007.*

The following condition is applied to meet the requirements of Sydney Water:

16. *Development of the site must be implemented substantially in accordance with the requirements of Sydney Water as detailed in the letter from Sydney Water dated 17 July 2007.*
17. *The applicant/developer shall obtain a letter from Sydney Water indicating that the applicant/developer has made satisfactory arrangements with Sydney Water for the proposed work in the zone of influence of the stormwater channel and stormwater discharge prior to a construction certificate being issued for the development.*

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

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

Any requirements contained within an 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 the EMP.

19. *The site must be remediated in accordance with the Contaminated Land Management Act 1997 and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and details of compliance are to be provided to Council from the Accredited Site Auditor upon completion of the remediation works.*
20. *Site 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) *The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.*
 - c) *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*

- d) *The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- 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.*

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

- g) *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'.*
- h) *A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:*
- general site management, site security, barriers, traffic management and signage*
 - hazard identification and control*
 - worker health & safety, work zones and decontamination procedures*
 - cross contamination*
 - site drainage and dewatering*
 - air and water quality monitoring*
 - disposal of hazardous wastes*
 - contingency plans and incident reporting*
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible*
- 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) *Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
- k) *Remediation work shall be conducted within the following hours:*
Monday – Friday 7am – 5pm

Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays

- l) A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- m) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
21. 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).
22. 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).
23. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

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

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

The report titled "133-149 Beauchamp Road, Matraville, Assessment of Industrial Noise Impact" prepared by Acoustic Logic Consultancy, reference number 2007393/2805/RO/WC dated 29 May 2007 forms part of this consent. The

following recommendations apply to the ongoing use and operation of the site, except as may be varied by a separate application for the use of the specific lot:

- a. *Operating hours for the subject site shall be limited to 7am to 10pm Monday to Saturday.*
- b. *Truck deliveries to Lot 7 Northern Façade, Lot 9 and Lot 10 shall be restricted to 7am to 6pm Monday to Saturday*
- c. *All garbage shall be retained within the premises and removed after 7am on the following day. Garbage collections and truck deliveries should not occur between 8pm to 7am Monday to Saturday and 8pm to 9am on Sundays and Public Holidays.*

Copies of this determination shall be included in any future sale or lease documentation so as to ensure future owners and occupiers are advised and aware of the relevant requirements.

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

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

26. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
27. *There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
28. *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 or the stormwater or sewerage drainage systems.*

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

29. *Open parking areas must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater 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 Stormwater: treatment techniques;*
 - *Council's Stormwater Management Policy and conditions of consent.*

Stormwater treatment device(s) must be maintained at all times to Council's satisfaction.

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

30. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises.*

31. *The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations.***
32. *Upon completion of the work and prior to the issuing of any occupation **certificate for the food outlet**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.*
33. *The design and construction of food premises must comply with the following requirements, as applicable: -*
 - a. *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - b. *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
 - c. *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
 - d. *The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
 - e. *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
 - f. *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
 - g. *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
 - h. *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
 - i. *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
 - j. *Garbage storage enclosures are to be fitted with a hose cock and the floor*

is to be graded and drained to an approved floor waste connected to the sewer.

- k. A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
 - l. Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
 - m. Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
 - n. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - o. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*
- 34. Details of the proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.*
- 35. Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to any occupation certificate being issued for the food outlet.*

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

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

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

- 37. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
- 38. Prior to the commencement of any building works, a construction certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning &*

Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

39. *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.*
40. *Prior to the commencement of any building works, the person having the benefit of the development consent must: -*
- i) appoint a Principal Certifying Authority for the building work, and*
 - ii) appoint a principal contractor for the building work and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.*
41. *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.

42. *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".*
43. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development*

consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

44. *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.

45. *A single and complete Fire Safety Certificate, which encompasses all of the essential fire safety measures contained in the fire safety schedule, must be obtained prior to issuing an Occupation Certificate and be submitted to Council, in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.*

46. *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.

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

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

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

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

- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

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

49. *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.

50. *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.*

51. *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.

52. *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.*

53. *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.

54. *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.*

55. *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.

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

57. *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.*

58. *A Construction Site Management Plan is to be developed and implemented 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 reasonable levels of public health, safety and convenience, to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

59. *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.*

60. *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.

61. *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.*

62. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted.*

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.

63. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the 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 or any other container or article in a public place.*

The following conditions are applied to maintain reasonable levels of public health, amenity and safety:

64. *Premises to be used for any of the following purposes must be registered with Council prior to issuing an occupation certificate and relevant fees to be paid to Council. The premises must be inspected by one of Council's Environmental Health Officers and any relevant requirements of Council's Environmental Health Officers must be satisfied prior to commencement of the use.*

- *Any food businesses (ie restaurant, café, take-away food shop, grocer, bistro, deli and any other business in which food (including confectionery and packaged food) is sold, prepared, manufactured or stored),*
- *Any boarding house, bed & breakfast, backpackers or the like,*
- *Any hotel or place of public entertainment,*
- *Hairdressing salons, beauticians and skin penetration businesses,*
- *Any premises providing approved sexual services,*
- *Cooling towers and warm water systems.*

65. *The demolition, removal, storage, handling and disposal of products and*

materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:

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

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

66. 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.

67. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.

68. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

69. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the

Environment Operations (Waste) Regulation 1996.

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

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

70. *Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with Parts D3 & F2 of the Building Code of Australia and AS1428.1, AS4299 & AS2890.1 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.*

Security Deposit Conditions

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

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

- a) \$15000.00 - *Damage / Civil Works Security Deposit*

The damage/civil works security deposit may be provided by way of a cash, cheque or bank guarantee 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.

Traffic conditions/Civil Works Conditions

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

72. *Prior to the issuing of a Final Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
- b) *Construct entry/exit driveways in Beauchamp Road to serve the proposed development. The construction of these entry/exit driveways shall be to Council's satisfaction and the final layout of the driveways shall be determined upon consideration of swept path analysis of vehicles entering /exiting the development site.*

- c) *Remove all redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - d) *Replace any damaged sections of kerb and gutter along the site frontage.*
 - e) *Construct a new concrete footpath extending from the end of the existing footpath that fronts a portion of the development site through to the Denison Street site boundary. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - f) *Relocate the existing bus stop that fronts the development site in accordance with State Transit/Sydney Buses' requirements.*
 - g) *Install / relocate parking restriction signposts as/if required in compliance with any recommendations of the City of Randwick or City of Botany Bay' Traffic Committees.*
 - h) *Undertake street tree planting along the Beauchamp Road site frontage in accordance with Council's Street Tree Masterplan and to Council's satisfaction.*
73. *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.*
74. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*
75. *Prior to the issuing of a Construction Certificate for the development site the applicant shall submit to Certifying Authority for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, **drainage construction works**, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be **prepared in consultation with Council** and to the satisfaction of the Certifying Authority. The engineering details and specifications must be prepared by suitably qualified engineering consultants who must certify that the details and specifications meet best engineering practice and relevant standards. The applicant must liaise with Council's Development Engineer Coordinator prior to preparation of the subject details/specification.*
76. *The **drainage construction** specification and details referred to in the previous condition shall include the following:*
- *Supply, laying and backfilling of the stormwater pipelines.*
 - *Construction of stormwater pits and other associated structures.*
 - *Full design and construction details for the main central trunk drainage line.*
77. *The minimum design serviceable life for all road pavements shall be 40 years, (with the minimum design traffic for the travel lanes of the pavement 12,300,000*

ESA's and the parking areas being 2,500,000 ESA's) and designed in accordance with AUSTRROADS PAVEMENT DESIGN GUIDE. All other infrastructure i.e. kerb and gutter, footpaths, retaining walls, pipe drainage etc shall have a minimum design serviceable life of 80 years. The specification and engineering details prepared for the Construction Certificate must demonstrate compliance with this requirement.

78. *Prior to the issuing of a Construction Certificate the applicant must demonstrate to the Certifying Authority, through the use of detailed swept path analysis, that the internal road design will operate satisfactorily for service and delivery vehicles, (i.e will satisfy Section 3 of AS 2890.2-2002). The swept path analysis must be prepared using the largest trucks/worst case likely to service the various areas of the development.*
79. *The applicant shall meet the full cost for the design and construction of all new civil infrastructure, traffic facilities, signposting and alterations to existing infrastructure both within the development site and in Beauchamp Road.*
80. *All kerb ramps must be designed and constructed to RTA Technical Direction TDT 2002/08.*
81. *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 construction works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
82. *A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.*

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works, (as a minimum this will include drainage works and entry/exit road construction).

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

83. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
84. *Prior to the issuing of a Construction Certificate the applicant must submit to Council for approval, and have approved, detailed swept path analysis for large vehicles entering/exiting the proposed development from/to Beauchamp road. The swept path analysis shall be undertaken for both the 11metre rigid truck and 19metre articulated truck. The entry/exit driveways must be suitably designed such that large vehicles will not be required to cross onto the incorrect side of the road.*
85. *B-Double trucks are not allowed onto the site at any time.*
86. *Appropriate noise attenuation in accordance with EPA criteria for land use developments (The Environmental Criteria for Road Traffic Noise, May 1999) must be provided for the development site. The Construction Certificate application*

must demonstrate how this requirement is to be achieved.

87. *A Works Zone is to be provided in Beauchamp Road for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

88. *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.

89. *The internal roadways, car parking areas, aisle widths, service / delivery areas and circulation paths must be designed in strict accordance with AS 2890.1-2004 and AS 2890.2-2002 movements. The Construction Certificate plans must demonstrate compliance with this requirement.*

90. *Prior to the issuing of a Final Occupation Certificate all driveways should be clearly marked with pavement arrows/signposting, Car Entry/Exit Only, Car & Truck Entry/Exit, etc as required.*

91. *All trucks entering the development must be wholly contained within the site before being required to stop. All vehicles must enter and exit the site in a forward direction. All loading and unloading for the development must be undertaken wholly within the site. The Construction Certificate application must demonstrate compliance with these requirements.*

92. *Internal roadways shall be wide enough to accommodate through and turning two-way traffic with passenger vehicles. The Construction Certificate Application must demonstrate compliance with this requirement.*

93. *The proposed entry/exit point to Beauchamp Road must comply with the appropriate sight distance criteria as stated within Section 3.2.4 of AS 2890.1-2004. The Construction Certificate Application must demonstrate compliance with this requirement.*

94. *All costs of traffic management measures associated with the development shall be borne by the developer.*

Alignment Level Conditions

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

95. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for the Beauchamp Road site frontage, excluding the entry/exit driveways, must be 100mm above the top of the kerb at all points opposite the kerb, along the full site frontage. The alignment level at the entry/exit driveway will be determined following final approval of the design of the subject driveways.*

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

96. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*
97. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$9064.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Beauchamp Road. This amount is to be paid prior to a construction certificate being issued for the development.*
98. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

Service Authority Conditions

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

99. *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.*
100. *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.*
101. *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.*
102. *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.*
103. *The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*
104. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

Drainage Conditions

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

Sydney Water Requirements

105. *Prior to the issuing of a Construction Certificate the applicant/developer must obtain from Sydney Water a letter from Sydney Water indicating that the applicant/developer has made satisfactory arrangements with Sydney Water for the proposed work in the zone of influence of the stormwater channel and stormwater discharge.*
106. *Prior to the issuing of a Construction Certificate the applicant/developer must submit to Sydney Water all permissible site discharge calculations and onsite stormwater detention calculations. This must include calculations of the effective discharge from the site, provision of onsite stormwater detention and the orifice plate diameters for each Discharge Control Pit.*
107. *Prior to the issuing of a construction certificate the developer/applicant must submit to Sydney Water for approval, and have approved, a detailed proposal for ensuring that Sydney Water nominated stormwater structures remain in private ownership, (with associated responsibility for maintenance etc). The structures shall include but not be limited to:*
 - *All structures covering the channel;*
 - *All internal drainage systems including GPT's and overland flow inlet structures; and*
 - *Batter slopes above the channel coping.*
108. *Prior to the issuing of a Construction Certificate the applicant must submit to Sydney Water for approval, and have approved, details confirming that all piers supporting structures are a minimum of 1 metre clear of the channel coping together with full structural and associated hydraulic details of the cantilevered deck over the stormwater channel, (refer to Sydney Water letter to Council dated 17/7/07 reference 2007/00587F).*

Department of Water and Energy Requirements

109. *The Construction Certificate Application and all works on the development site and in Beauchamp Road must comply with the Department of Water and Energy's General Terms of Approval issued for this development, (issued by letter to Council dated 9/8/07 reference ERM2007/007320).*
110. *Prior to the issuing of a Construction Certificate for this development a copy of the Part 3A Permit, issued by the Department of Water and Energy, must be provided to Randwick City Council.*

Protection from flooding

111. *All habitable floor levels, windows, vents and other openings must be located at least 300 mm above the determined 1 in 100 year ARI flood level for both the trunk drainage system and any overland flowpath draining through the site to the trunk drainage system. All open carpark areas must be at least 150mm above the*

determined 1 in 100 year ARI flood level for both the trunk drainage system and any overland flowpath draining through the site to the trunk drainage system. The Construction Certificate Application must tabulate the critical 1 in 100 year ARI flood levels for the trunk drain and overland flowpaths and must demonstrate compliance with this requirement.

112. The floor level of any habitable or storage area constructed adjacent to the swale/channel located along the Beauchamp Road site frontage shall be a minimum of 300mm above the top water level in the swale/channel (as determined for a 1 in 100 year ARI storm event), or suitably water proofed to this same level. The level of any open carspace constructed adjacent to the swale/channel located along the Beauchamp Road site frontage shall be a minimum of 150mm above the top water level in the swale/channel (as determined for a 1 in 100 year ARI storm event), or suitably water proofed to this same level. The Construction Certificate Application must tabulate the critical 1 in 100 year ARI flood level for the swale and must demonstrate compliance with this requirement.
113. Prior to the issuing of a Construction Certificate the applicant must submit to the Certifying Authority and Council for approval, and have approved, a detailed analysis of post development flows associated with the trunk drainage system, immediately downstream of the development site, for storms up to the 1 in 100 year ARI event. The analysis must demonstrate that there is no increase to the top water level and no increase in the potential for stormwater inundation of any development downstream of the development site.
114. 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.
115. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be structurally damaged in manner that could endanger lives during the PMF event.

External Drainage works

116. A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, must be submitted to Council prior to the issuing of a Final Occupation Certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).
117. All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by Council **prior to the issuing of a Construction Certificate.**

Internal Drainage

118. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to

Australian Height Datum in relation to site drainage shall be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall be in general accordance with plans prepared by Warren Smith and Partners C-01 to C21 inclusive Issue D and Fig 01 – Fig 02 inclusive Issue D as received by Randwick City Council on 16/8/07 and shall include the following information as a minimum:

- 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, GPT details 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 internal pipe system must be designed to cater for the critical 1 in 20 year ARI storm event with overland flows contained within the roadways or other suitable flowpaths for up to the 1 in 100 year storm event. The applicant must fully demonstrate compliance with this requirement and make specific reference to the swales at the front of the site and the internal access road during major storm events.*
 - d) *The velocity depth restriction of $VDs < 0.4$ for a 1 in 100 year ARI storm should be applied along the overland flow paths.*
 - e) *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*
 - f) *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.*
 - g) *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.*
 - h) *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.*
119. *All site stormwater must be discharged (by gravity) to the Sydney Water controlled channel that is located within the site. Connection into the channel shall be to the satisfaction of Sydney Water.*
120. *Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

121. *Any detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
122. *The maximum depth of ponding in above ground detention areas shall be as follows:*
- a) *150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area).*
 - b) *300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
 - c) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
 - d) *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area.*

Notes:

- *Above ground storage will not be permitted in any area which may be used for storage of goods.*
- *Mulch/bark must not be used in onsite detention areas*

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

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

125. *All open carspaces / parking areas adjacent to any detention area must be a minimum of 150mm above the maximum water level in the detention area for the design storm.*
126. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
127. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

128. *Prior to the issuing of a Final Occupation Certificate the applicant must have created suitable width drainage easements, in favour of Randwick City Council, over any stormwater overland flowpath within the development site that drains stormwater overland flow from Beauchamp Road for storm events up to the 1 in 100 year ARI event. The applicant must liaise with Council's development*

Engineer Coordinator prior to the creation of these easements to obtain Council's requirements.

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

Notes:

- a. *The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*
 - b. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
 - c. *The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.*
130. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- *The location of the detention basin with finished surface levels;*
 - *Finished site contours at 0.2 metre intervals;*
 - *Volume of storage available in the detention areas;*
 - *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - *The orifice size(s) (if applicable);*
 - *Details of any infiltration/absorption systems; and*
 - *Details of any pumping systems installed (including wet well volumes).*
131. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

Waste Management Conditions

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

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

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

Notes: 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. The waste storage areas shall be clearly signposted.

Landscape Conditions

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

133. *The landscaped areas shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

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

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers. Note: Council would seek the inclusion of uniform, feature tree and/or palm plantings in the 6metre wide buffer strip along the Beauchamp Road frontage, utilising species which will achieve a size similar in scale to the proposed structures, with decorative under-planting to be provided. The applicant must liaise with Council's Landscape Development Officer prior to preparation of landscape details for the buffer zone.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. *All planter boxes and garden beds constructed on slab must have a*

minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.

- h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- i. Location of easements within the site and upon adjacent sites (if any).*

- 134. 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.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

- 135. In order to prevent the encroachment of motor vehicles into the landscaped areas a 150mm high concrete edge or suitable wheel stops shall be constructed between the landscaped areas and roadway. Such works shall be installed prior to the issue of a final Occupation Certificate.*

- 136. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

- 137. 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.*

- 138. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

- 139. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

- 140. 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.*

Tree Management

- 141. Permission is granted for the removal of only those trees falling within the area*

occupied by the approved works. Removal of any remaining trees on the site is subject to separate application under the Tree Preservation Order.

143. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

Advisory Conditions

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

ADVISORY MATTERS:

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

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

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

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

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

8.5 DIRECTOR, CITY PLANNING REPORT 74/2007 – 1408 ANZAC PARADE, LITTLE BAY. (DA/264/2007/1 xr PROP008746)

277 **RESOLUTION: (Bastic/Seng) 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/264/2007 for Staged Development Application for Community Title Subdivision of land into 149 residential lots with associated building envelopes, carparking and open space at 1408 Anzac Parade, Little Bay, subject to the following conditions:-*

Part 1 Conditions - The following conditions are subject to the concept sub-division approval and relate to the Stage 1 concept sub-division:

1. *The development must be implemented substantially in accordance with the plans/diagrams numbered DA-004, DA-005, DA-005A, DA-006, DA-007, DA-008, DA-009, DA-010, DA-011, DA-012, DA-013, and DA-014, all dated 19 September*

2007, and stamped received by Council on 20 September 2007, and the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and/or as may be shown in red on the attached plans:

2. *This consent is limited to approval for the subdivision of land into 149 residential lots with associated building envelopes, carparking and open space and does not authorise the carrying out of development on the subject site unless consent is subsequently granted to carry out development on the site subject to further development applications for civil works, infrastructure and subdivision in accordance with section 83B (3) of the Environmental Planning and Assessment Act 1979 (as amended).*
3. *A deed in writing (Central Corridor Deed) is entered into between the University of New South Wales (UNSW), the Prince Henry Trust (Trust) and Randwick City Council (Council) comprising the following:*
 - (a) *A Plan of Management prepared no later than 24 months from the date of development consent, in consultation with the Department of Environment and Climate Change and the La Perouse Local Aboriginal Land Council, and agreeable to Council's Director of City Planning and agreeable to the Trust for the restoration, preservation, upkeep and ongoing maintenance of the land comprising the central corridor as a natural wetland;*
 - (b) *A means by which such Plan of Management is fully funded and implemented on an ongoing basis without recourse to Council;*
 - (c) *Proper and reasonable arrangements for the ongoing funding and implementation of the Plan of Management without recourse to Council;*
 - (d) *The facilitation of the transfer of the ownership and management of the land comprising the central corridor to the Prince Henry Reserve Trust for dedication for public purpose, such transfer to take place prior to the registration of any plan of subdivision (other than any plan of subdivision which creates the lot for the central corridor, a lot for the land currently occupied by the Coast Golf Club and the Eastern Suburbs Banksia Scrub, and the balance of the land to which this consent relates) ;*
 - (e) *An obligation that UNSW shall control and manage the land until the transfer of ownership of the land comprising the central corridor takes place;*
 - (f) *An acknowledgement by Council that in the event of transfer of the central corridor to the Prince Henry Reserve Trust UNSW's (and any successor's) development rights associated with the existing land parcel of the development site are not compromised by that transfer.*
4. *A Deed between the University of New South Wales and the Coast Golf and Recreation Club Ltd must be executed by both parties. The Deed must cover transfer of the ownership of the golf course land to the Prince Henry Reserve Trust only, certainty of use by the Coast Golf and Recreation Club Ltd of the golf-course land; access to water by the Coast Golf and Recreation Club Ltd and revisions to the course layout.*
5. *The Stage 1 concept sub-division plans shall be amended to incorporate the following details:*
 - (a) *the proposed open space between allotments Nos. 78 and 79 be redesignated and dedicated as road reserve to allow for future vehicular connection to Wyee Place.*

- (b) *the proposed open space on the opposite side of the proposed community area be redesignated and dedicated as road reserve allowing for future vehicular connection to Karoo Place.*
- (c) *The internal roads within the proposed development site shall be amended as follows:*
 - *the section of Road Type 3 fronting allotments Nos. 142, 143, 144 and 149 shall be designed for two-way circulation.*

6. *The Little Bay Redevelopment Urban Design Guidelines dated 19 September 2007 as prepared by Johnson Pilton Walker and Candalepas Associates shall be amended to include the following :*

(a) *Controls:*

- *The height of a building (as defined in Randwick LEP 1998) must not exceed a maximum building height of 9.5m*
- *The external wall height of a building (as defined in Randwick LEP 1998) must not exceed a maximum wall height of 7m*
- *The floor space ratio for a building (as defined in Randwick LEP 1998) must not exceed a maximum floor space ratio of 0.5: 1*
- *The landscaped area on each allotment (as defined in Randwick LEP 1998) shall not be less than the minimum landscaped area of 40 per cent (of the area of the allotment)*

(b) *Inclusion of the following additional principles:*

- *Garages are to be located within the building envelope of the associated dwelling and behind the front building line.*
- *Solid front fences facing the street are to be no higher than 1.2m.*
- *Fencing is to be integrated with the building and landscape design through the use of compatible materials and detailing.*
- *Roof design is to minimise bulk, scale and overshadowing, and must relate to the size and scale of proposed development.*
- *Roof top solar heating panels shall be installed so as not to be visible from the street.*
- *All clothes drying areas shall be provided so as not to be visible from the street.*
- *Habitable rooms shall be orientated to overlook streets and public open spaces and maximise opportunities for casual surveillance.*
- *Windows of habitable rooms with a direct outlook to the habitable room windows of any floor above ground floor, in an adjacent dwelling within a distance of 12m, should:*
 - *be offset by a distance sufficient to limit views between windows;*
 - or*
 - *have sill heights of 1.7m above floor level; or*

- *have fixed obscured glazing in any part of the window below 1.7m above floor level.*
 - *Entrances to dwellings and buildings are to be clearly visible from the street and approaches to dwelling entries are to be visible from within dwellings.*
 - *All dwelling houses must have an area of useable private open space, or private courtyard area at ground level, that has direct private access from a living area of the dwelling.*
 - *Buildings must be designed to observe the setback provisions indicated in the submitted Lot Size and Area Schedule (DA-005A) dated 19 September 2007.*
7. *Critical habitat as mapped in the Department of Environment and Climate Change's Critical Habitat Declaration Report (2007) for the Eastern Suburbs Banksia Scrub remnant on the land shall be retained and actively managed for conservation in accordance with the management principles outlined in the conservation agreement between the owner of the subject land and the Minister administering the Act (Minister for Environment and Climate Change) as required for the mapped critical habitat for the Eastern Suburbs Banksia Scrub remnant pursuant to Part 4 Division 12 of the National Parks and Wildlife Act 1974 with the Minister administering the Act. A buffer of between minimum 10 and maximum 15 m will be retained between this remnant and any roads or subdivision lots on the land. The critical habitat will be fenced to exclude access on the western side where it abuts the road and allotments Nos. 147, 148 and 149 (as indicated on the DA – 005 -sub-division plan 19 September 2007) and a planted buffer of locally endemic coastal heath species will be planted along the outside of this exclusion fence. A pedestrian pathway of crushed sandstone should define the outer edge of the planted buffer but should not be part of it. The eastern edge of the critical habitat abutting the golf course should be planted with a dense buffer of locally endemic coastal heath species to limit access to the remnant from the golf course and prevent the spread of weeds.*
 8. *Any Asset Protection Zones (APZs) required for this development shall not impinge on the critical habitat for the Eastern Suburbs Banksia Scrub remnant. All APZs must be outside of the protective buffer mapped in the Department of Environment and Climate Change's Critical Habitat Declaration Report (2007) for the Eastern Suburbs Banksia Scrub Endangered Ecological Community.*
 9. *The Little Bay Geological Site is to be retained intact and new development is to be designed so as not to result in any adverse impact on the Geological Site.*
 10. *Prior to any alteration to the eleventh social tee or the eleventh fairway the applicant shall engage a suitably qualified consultant to undertake a safety analysis of the eleventh hole, post alterations. The safety analysis is required to determine if the revised course layout would pose an unacceptable safety risk for the proposed allotments in the eastern portion of the development site. The safety analysis should make recommendations on any safety measures that may be required in conjunction with revisions to the course layout.*
 11. *The proposed entry/exit points to Anzac Parade must comply with the appropriate sight distance criteria as stated within Section 3.2.4 of Australian Standard 2890.1 – 2004.*

Part 2 Conditions - The following conditions are to be satisfied prior to or at lodgement of future development applications for civil works, infrastructure and subdivision for the subject site:

1. *A Detailed Site Investigation Report shall be submitted to and approved by the Director of City Planning prior to the lodgement of any development application for civil works, infrastructure and subdivision for the subject site. The report is to be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site. The Report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land. The detailed site contamination report must be sufficiently detailed and be submitted to Council's Director of City Planning. Additionally, the Detailed Site Investigation Report shall identify and provide details of the land and ground water contamination and outline how remedial works will meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999.*
2. *A Remediation Action Plan (RAP) shall be submitted to and approved by the Director of City Planning prior to the lodgement of any development application for civil works, infrastructure and subdivision for the subject site. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment and Conservation, including the Guidelines for Consultants Reporting on Contaminated Sites. The Remediation Action Plan must be sufficiently detailed and be submitted to and considered acceptable by Council's Director of City Planning. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor. This RAP is to include procedures for the following:*
 - *Specified option/methods of remediation*
 - *Excavation of Hydrocarbon-contaminated soil,*
 - *Site management planning,*
 - *Validation sampling and analysis,*
 - *Prevention of cross contamination and migration or release of contaminants,*
 - *Dewatering, drainage, monitoring and validation,*
 - *Unexpected finds,*
 - *Proposed groundwater and landfill gas monitoring program/s and management plan/s.*
3. *In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor. The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor. The remediation strategy and remedial action plan shall be submitted to and approved by the Director of City Planning prior to the lodgement of any development application for civil works, infrastructure and subdivision for the subject site.*
4. *A written statement to Randwick City Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements, and that the land is able to be remediated to the required level and be suitable for the intended development and use, shall be submitted to and approved by the Director of City Planning prior to the lodgement of any*

development application for civil works, infrastructure and subdivision for the subject site.

5. *Specific Urban Design Guidelines for future dwelling houses on allotments Nos. 8, 9 10, 11, 12, 13 and 14 that provide for the following design outcomes shall be submitted to the Director of City Planning prior to the lodgement of any development application for civil works, infrastructure and subdivision for the subject site:*
 - *Front façade building presentations and outlooks to Anzac Parade such that the Anzac Parade frontage of the buildings in these allotments are readily apparent from Anzac Parade and convey a sense of address. Building detailing and articulation must enable dwellings to have an identifiable frontage to Anzac Parade.*
 - *Front fencing that addresses Anzac Parade.*
 - *Front street landscaping that addresses Anzac Parade.*
6. *Draft survey plans prepared by a suitably qualified surveyor including, but not limited to, any future public reserves, any future parks, all future public roads, any future detention swales and all future residential lots shall be submitted with subsequent development application for the subdivision of the subject site.*
7. *Draft Section 88B Instruments setting out all terms of easements and restrictions on the use of land and positive covenants intended to be created shall be submitted with subsequent development application for the subdivision of the subject site.*
8. *Road intersections shall be designed with a minimum turning radius of 10.5 metres. Larger trucks such as 12.5 metre removalist trucks must be able to navigate the intersections without mounting kerbs but may mount medians provided that the medians are to be suitably reinforced. All future development applications for civil infrastructure within this site must demonstrate compliance with this requirement.*
9. *Development consent for the south-western secondary access road to Anzac Parade is approved under this consent and is subject to the approval of the Roads and Traffic Authority.*
10. *All future residential development on the subject site shall be in accordance with the design principles contained in The Little Bay Redevelopment Urban Design Guidelines dated 19 September 2007 as prepared by Johnson Pilton Walker and Candalepas Associates and as required to be amended in Part1 of this consent.*
11. *Development of the site for the proposal shall suitably match the existing levels of adjoining properties to ensure mobility and accessibility at the interface of, and between, the subject site and adjoining properties. Details shall be submitted with subsequent development applications for the civil works and infrastructure for the subject site.*
12. *The design alignment level (concrete/paved/tiled level) at the Anzac Parade property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage. Details shall be submitted with subsequent development applications for the civil works and infrastructure for the subject site.*
13. *All new development is to be consistent with the requirements of the NSW Fire Brigade Bushfire Hazard Section. Details of compliance shall be submitted with subsequent development applications for the civil works and infrastructure for the subject site.*

14. *Development of the site must be implemented substantially in accordance with the General Terms of Approval issued by the NSW Department of Water and Energy as detailed in the letter from the Council dated 13 July 2007.*
15. *The design requirements of the vehicular access points off Anzac Parade shall be in accordance with the RTA Road Design Guide and other Australian Codes of Practice. The certified copies of the design plans shall be submitted to the RTA for consideration and approval prior to the issue of the construction certificate for the road works. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents. The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the release of the approved road design plans.*
16. *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 applicant must liaise with Energy Australia to determine whether or not an electricity substation is required for the development. The proposed location and elevation of any required electricity sub-station shall be shown on all detailed site and landscape drawings and specifications and submitted with subsequent development applications for the civil works and infrastructure for the subject site.*
17. *All public utility / telecommunication services within the site must be located underground. All street lighting is to be in the form of multi-function poles and connected to the underground power system. Details shall be submitted with subsequent development applications for the civil works and infrastructure for the subject site.*
18. *Any future development application seeking approval for drainage infrastructure must demonstrate compliance with all Department of Water and Energy requirements regarding discharge of stormwater into the central water course / ponds and riffles and wetlands.*
19. *The proposed reduction in the size of the southern most dam and increase in the size of the eastern most dam must be approved by the Department of Water and Energy prior to the lodgement of any future development application seeking approval for drainage infrastructure.*
20. *Prior to the lodgement of any development application seeking approval for drainage infrastructure, the applicant must liaise with Department of Water and Energy regarding safety issues surrounding the open channel. Future development applications seeking approval for drainage infrastructure must demonstrate compliance with all safety requirements issued by the Department. Any future development application for drainage infrastructure must also detail how potential public liability issues associated with the channel. The proposed side slopes of the channel should be to the satisfaction of the Department of Water and Energy.*
21. *The applicant is advised that a suitable drainage easement, (in favour of Council) must be created over the water course / ponds and riffles and wetlands. The creation of a suitable restriction as to user and positive covenant will also be required over the proposed water course / ponds and riffles and wetlands. The timing for the creation of the easement/restriction/covenant shall be to Council's satisfaction. Details shall be included draft Section 88B Instruments setting out all terms of easements and restrictions on the use of land and positive covenants intended to be created shall be submitted with subsequent development application for the subdivision of the subject site.*

22. Any future development application that seeks approval for drainage infrastructure must demonstrate compliance with the following to council's satisfaction:
- All habitable floor levels on allotments adjacent to the central watercourse must be a minimum of 500mm above calculated 1in 100 year ARI water levels.
 - All habitable floor levels on allotments away from the water course / ponds and riffles must be a minimum of 300 millimetres above calculated 1in 100 year ARI water levels.
 - The internal pipe system must be designed to cater for the critical 1 in 20 year ARI storm event with overland flows contained within the roadways or other suitable flowpaths for up to the 1in 100 year storm event. The applicant must fully demonstrate compliance with this requirement and make specific reference to the operation of the bioretention swales during major storm events.
 - The velocity depth restriction of VDs < 0.4 for a 1 in 100 year ARI storm should be applied along the overland flow paths.
23. Any future development application that seeks approval for drainage infrastructure must provide details showing indicative pipe sizes, pit locations, pipe locations and any associated drainage easements, interallotment drainage pipelines and associated interallotment drainage easements. Plans must identify the road network, pipe/pit network, catchments draining to the various pipes/drainage pits, location of potential overland flow paths, levels of properties adjacent to overland flow paths and level information on the roads in general.
24. Any future development application that seeks approval for drainage infrastructure must provide full details on the operation of the bioretention swales. Sufficient detail must be provided for Council to assess the suitability of the swales in their proposed locations and the impact of the swales on pedestrian and vehicular access to the proposed allotments.
25. Flows downstream of the site are not to increase for up to the 1in 100 year ARI storm events and resultant flood levels must not be increased. Future development applications for provision of infrastructure within the site must demonstrate compliance with this requirement.
26. Any flood study / hydraulic modelling to be submitted with future development applications for this site should be undertaken using "DRAINS" Urban Drainage Simulation Model (and HECRAS for determining flow depths). Alternative flood modelling programs may be used, however, the applicant will be required to meet the full cost for an independent hydraulic consultant to review the model as Council does not have the computer software to run alternative flood modelling programs.
27. The catchment draining from north of the development site into the site must be drained through pipes sized for the 20 year ARI with provision for overland flow up to the 1in 100 year storm event. The piped stormwater and overland flow shall be discharged to the watercourse and easements shall be created over the pipes and overland flow paths. Details must be provided with any future development application for the provision of drainage infrastructure.
28. The following information must be submitted to Council for approval by Council and the Department of Water and Energy with any future development application for the provision of civil infrastructure:
- Design details, (i.e. hydraulic and civil/structural engineering details and

specifications, landscaping and maintenance specifications), for the proposed creek/watercourse/riparian zone and associated civil infrastructure.

- *Restriction as to User and Positive Covenant details for the creek/watercourse/riparian zone, (Council will require that a suitable restriction as to user and positive covenant is created over the creek/watercourse/riparian zone and these details must be prepared in consultation with Council).*
- *A detailed maintenance schedule for the creek/watercourse/riparian zone and associated civil/drainage infrastructure. Note: all maintenance on the creek/watercourse shall be the responsibility of the applicant.*

29. *A stormwater drainage concept plan must be submitted with any future development application for the provision of civil infrastructure within the site. Council's requirements for preparation of calculations, drawings, plans, longitudinal sections and details for the roads and stormwater drainage can be obtained from the Development Engineer Coordinator. The applicant should be aware of the following when preparing the required stormwater drainage concept plan for this site:*

- *The proposed internal roadways, drainage easements and overland flow routes shall be designed to drain the 1in 100 year storm event and to consider personal and structure safety and the hazard factor, (product of velocity and depth of flow) This safety factor shall not exceed a value of 0.4 at any location. (i.e. $VD < 0.4$).*
- *All interallotment stormwater drainage lines must be designed, as a minimum, to accommodate stormwater flows generated by the 1 in 20 year storm event. Suitable width easements are to be created over the line of any interallotment drainage system in conjunction with any plan of subdivision for the development site, (the pipeline is to be centrally located within the easement). In the situation where no legal overland flow route exists for flows generated by storm events greater than the 1in 20 year storm event the interallotment drainage line and the required drainage easement must be capable of containing within the easement and discharging storm water flows generated by storm events up to the 1in 100 year storm event.*
- *The minimum easement width shall be 1.0 metre for light-weight pipes up to and including 300mm in diameter. Easement widths for drainage lines that are not light-weight, (e.g. concrete), and larger than 300mm in diameter should be sufficient to enable maintenance equipment to access the pipeline.*
- *Council requires that all new stormwater pipelines be of sufficient capacity to provide for a storm recurrence interval of 20 years with an overland floodway that is to be capable of containing a 1in 100 year flood within the boundaries of the drainage, landscaping and site works over such pipes and/or easement must ensure that the natural floodway or water course is not blocked or altered in such a way to flood private properties. No buildings or structures must be located within the easement.*
- *Suitable width drainage easements must be created over the line of any existing/ new / relocated or upgraded stormwater pipelines within the site, under the control of Council. Minimum easement widths are as follows:*

Pipeline diameter is 1,200mm or less -easement width required = 3.0m

From 1,200mm to and including 1,500mm diameter -easement width required =3.5m

Above 1500mm diameter -easement width required to Council's satisfaction.

Note: *no buildings or structures must be located within the easement.*

30. *The applicant must provide swept path details for a 9.5metre garbage truck, (10.5 metre turning radius) with any future development application for the provision of civil infrastructure for this site. The applicant shall note that satisfactory collection of domestic waste must be considered when designing the road network and or travel lane/footpath/parking lane configuration of the road network.*
31. *Street tree selection and planting locations must be to Council's satisfaction. The applicant is advised to contact Council's Landscape Development Officer prior to lodgement of any future development application for the provision of civil infrastructure within the site.*
32. *Any future development application for the provision of civil infrastructure within the site must provide irrigation details for the proposed landscape areas. Typically Council requires an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements, and relevant Australian Standards. Note: 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.*
33. *Any future development application for the provision of civil infrastructure must include a detailed Public Domain Plan. The subject plan shall be submitted to Council for approval and must demonstrate the strategies that are proposed for the urban design of the public domain (including any open space reserves) and the provision of good pedestrian access, recreational diversity and environmental sustainability. The strategies will include :*
 - *tree planting strategy,*
 - *water management strategies,*
 - *footpath strategy,*
 - *Park planning strategy*

Further to this, the Public Domain Plan shall also include details of individual treatments throughout the site. These treatments shall be consistent with Council's management requirements. The details shall be a detailed design showing plans elevations, sections, the materials and finishes for the following elements, (where relevant):

- *Street tree planting*
- *Footpath treatments*
- *Street furniture*
- *Street lighting*
- *Street signs*
- *Kerb ramps*
- *Lighting*
- *Automatic irrigation systems*
- *Water features*
- *Pavements*
- *Retaining walls and balustrades*
- *Bicycle facilities*
- *Bus shelters*

34. Any future development application that seeks approval for civil works/infrastructure within the site must provide details of the internal configuration of the footpath, verge and carriageway within each proposed type of road reserved for the proposed development.

Part 3 Conditions - The following conditions are to be satisfied prior to the issue of sub-division certificate or Construction Certificate for the development of the subject site (other than any plan of subdivision which creates the lot for the central corridor, a lot for the land currently occupied by the Coast Golf Club & Eastern Suburbs Banksia Scrub and the balance of the land to which this consent relates):

1. To protect and actively manage Aboriginal heritage (the Ochre site) and threatened species (the Eastern Suburbs Banksia Scrub Endangered Ecological Community) values on the land and to ensure that the local Aboriginal community retains ongoing access to the Ochre site for ceremonial purposes as well as to alert future landholders to the important values of these areas, the owner of the subject land shall enter into a conservation agreement under Part 4 Division 12 of the National Parks and Wildlife Act 1974 with the Minister administering the Act (Minister for Environment and Climate Change) prior to the sub-division certificate being issued. This conservation agreement shall cover the registered Ochre site together with a surrounding buffer area and the mapped critical habitat for the Eastern Suburbs Banksia Scrub remnant on the land. The conservation agreement shall incorporate management principles for the protection and active management of these significant areas and shall be registered with the sub-division plan for the land in accordance with this condition. In relation to the Ochre site, the management principles shall include the preparation and implementation of a Plan of Management for the Creek Corridor inclusive of the Ochre Site as provided for under the terms of the Central Corridor Deed and address access arrangements to the Ochre site by the Aboriginal community. The landowner will be responsible for meeting the costs of preparing the conservation agreement.
2. Educational signage about the Eastern Suburbs Banksia Scrub Endangered Ecological Community and its conservation significance shall be placed at several clearly visible locations along the exclusion fence to the west of the remnant to raise awareness of future landholders and the public about the important values of this area. Details 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 issue of the sub-division certificate.
3. Prior to and during construction of the infrastructure, the Ochre site and its surrounding buffer must be fenced off to prevent access and avoid any damage to the site by machinery or runoff from the adjacent earthworks. No infrastructure, spoil or utilities are to be located within the Ochre site or its buffer. A Construction Management Plan shall be prepared which explicitly addresses the potential impacts of construction on the Ochre site and addresses sedimentation and soil erosion issues, and shall 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 issue of the construction certificate or sub-division certificate (whichever comes first).
4. Prior to issuing a construction certificate or subdivision certificate (which ever comes first) for the subsequent stages of the development the land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:
 - a) The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 and 50

of the of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999, prior to any Construction Certificate or subdivision certificate being issued.

Any requirements contained within an 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 the EMP and Council's Manager of Health and Building Services is to provide a written concurrence.

- b) 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 by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.*
 - c) 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'.*
 - d) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
 - general site management, site security, barriers, traffic management and signage*
 - hazard identification and control*
 - worker health & safety, work zones and decontamination procedures*
 - prevention of cross contamination*
 - site drainage and dewatering*
 - air and water quality monitoring*
 - disposal of hazardous wastes*
 - contingency plans and incident reporting*
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.**
 - e) The site remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Council must be obtained prior to the issuing of any construction certificate or subdivision certificate.*
- 5. The Site Audit Statement must, where no guideline made or approved under the NSW Contaminated Land Management Act is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.*
 - 6. The owner of the subject site must enter into a lease arrangement with the Coast Golf and Recreation Club Ltd prior to the issue of the sub-division certificate for the site (other than any plan of subdivision which creates the lot for the central corridor, a lot for the land currently occupied by the Coast Golf Club & Eastern Suburbs Banksia Scrub and the balance of the land to which this consent relates).*

7. *The care, control and maintenance of any bioretention swale located within the development site shall remain the responsibility of the proposed Community Association. Appropriate restrictions on use and/or positive covenants shall be in place to ensure compliance with this requirement, prior to issue of a sub-division certificate for the subject site.*
8. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.*

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

8.6 DIRECTOR, CITY PLANNING REPORT 75/2007 - COUNCIL'S POLICY - FORMER INCINERATOR LAND, MATRAVILLE. (F2006/00652)

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

- a) *the draft amended Policy - Former Incinerator Land, Matraville, be adopted;*
- b) *relevant notations be included on future Section 149 Planning Certificates for the land identified in the amended Policy- Former Incinerator Land, Matraville;*
- c) *correspondence be forwarded to the owners and residents advising of the outcome of the recent environmental site assessment and the amended Policy;*
- d) *appropriate public health risk assessment and communication strategies be developed to affectively manage the issues and concerns arising from the operation of the former incinerator as detailed in this report; and*
- e) *Council write to the Department of Environment & Climate Change and NSW Health advising of Council's investigation and actions relating to the former incinerator land.*

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

8.7 DIRECTOR, CITY PLANNING REPORT 76/2007 - LEP AMENDMENT NO. 40 - FORMER MATRAVILLE INCINERATOR LAND AND AMENDMENT TO DCP - EXEMPT AND COMPLYING DEVELOPMENT. (F2007/00115)

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

- a) *Council endorse the Randwick Local Environmental Plan Amendment No. 40 – Former Matraville Incinerator Land to amend the Randwick Local Environmental Plan 1998, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation 2000, and agree to forward the draft LEP amendment to the Minister requesting that it be made;*
- b) *Adopt Council's DCP – Exempt and Complying Development as amended, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation 2000, for commencement upon gazettal of the draft LEP and the required public notification of the DCP commencement day; and*

- c) *Agree that the Director City Planning, may make minor modifications to the draft plans arising from the Parliamentary Counsel advice, and to rectify numerical, typographical, interpretative and formatting errors if required, in the completion and printing of the draft plans.*

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

8.8 DIRECTOR, CITY PLANNING REPORT 77/2007 - REAPPOINTMENT OF SEPP 65 DESIGN REVIEW PANEL. (F2006/00567)

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

- a) *the Director of City Planning write to the Minister for Planning seeking the reappointment of the Panel comprising of the following existing 3 members and one alternate for a further period of three years.*

NAME	ORGANISATION	SKILLS BASE
<i>Mr Phillip Thalís</i>	<i>Hill Thalís Architects and Urban Projects</i>	<i>Architect, Urban Design, Planning expertise, appreciation of regional/local issues*</i>
<i>Mr David Chesterman</i>	<i>Jackson Teece Chesterman Willis</i>	<i>Architects, Urban Design, Planning expertise (appreciation of regional/local issues)*</i>
<i>Ms Kerry Clare</i>	<i>Architectus</i>	<i>Architect, Urban Design expertise (appreciation of regional/local issues)*</i>
<i>Nicholas Murcutt (Alternate)</i>	<i>Nicholas Murcutt Architect</i>	<i>Architect</i>

* *At least one member of the Panel, in addition to an area of professional design expertise, must have a demonstrated and high level knowledge / understanding of regional/local issues.*

- b) *Council write to the panel members thanking them for their contributions.*

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

8.9 DIRECTOR, CITY PLANNING REPORT 78/2007 - SYDNEY METROPOLITAN STRATEGY - DRAFT EAST SUBREGIONAL STRATEGY. (F2004/07912)

281 **RESOLUTION: (Woodsmith/Matson) that:**

- (a) *Council note the submission on the East Subregional Strategy, which has been forwarded to the Department of Planning; and*
- (b) *Council request that the Department of Planning be advised that the existing licensed premises at Coogee have significant negative impact on the amenity of the surrounding residential area and the Department is requested to delete any specific reference to Coogee as a night life trading and entertainment area.*

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

8.10 DIRECTOR, CITY PLANNING REPORT 79/2007 - COOGEE CAROLS 2007. (F2004/07077)

282 **RESOLUTION: (Andrews/Matson) that Council acknowledge and support the 2007 Program for Coogee Carols.**

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

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 32/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367 & F2004/07991)

283 **RESOLUTION: (Andrews/Matson)** that the Council's Seal be affixed to the signing of agreements between Council and:

1. Anthony Kassis in relation to a Deed of Agreement as required under the Development Application No. 02/00592 in connection with the strata subdivision of 5 Blenheim Street, Randwick.
2. David Ian Deston (T/As Mister Bean Café) in relation to a licence for the purpose of outdoor dining at 832 Anzac Parade, Maroubra Junction.
3. Philip Mark Adair (T/As Retro Antiques) in relation to a licence for the purpose of display of goods at 7/160 Clovelly Road, Randwick.
4. Dean Coulpasis (T/As Portugali Portuguese Grill) in relation to a licence for the purpose of outdoor dining at 152 Anzac Parade, Kensington.
5. Omar Caspi (T/As Gusto Espresso Bar) in relation to a licence for the purpose of outdoor dining at 211 Coogee Bay Road, Coogee.
6. Simon Doughty (T/As Specc Café Restaurant) in relation to a licence for the purpose of outdoor dining at 344 Clovelly Road, Clovelly.

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

9.2 GENERAL MANAGER'S REPORT 33/2007 - CAFE IN ALISON PARK - 194R ALISON ROAD, RANDWICK. (DA/281/2006)

284 **RESOLUTION: (Andrews/Matson)** that no further action be taken in relation to the development consent 281/2006 for construction of a new building containing a café, covered terrace and associated kitchen in Alison Park (194R Alison Road, Randwick) and the consent be allowed to lapse.

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

9.3 GENERAL MANAGER'S REPORT 34/2007 - MALABAR HEADLAND - PROPOSED RENEWAL OF LICENCE AGREEMENT BETWEEN THE COMMONWEALTH AND NSW RIFLE ASSOCIATION. (F2004/06759)

285 **RESOLUTION: (Andrews/Matson)** that the report be received and noted.

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

10. DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 68/2007 - MAHON POOL FACILITIES. (PROJ/10267/2006)

286 **RESOLUTION: (Andrews/Procopiadis)** that Council not accept the offer of \$250,000.00 from the Maroubra Seals Sports and Community Club and continue with the Council resolution of 24 July 2007 regarding the concept design for the Mahon Pool Cafe/Kiosk.

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

AMENDMENT: (Matson/Hughes) that this matter be deferred for further discussions with the Member for Maroubra. **LOST.**

Cr Matson requested that his name be recorded as opposed to the resolution.

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 56/2007 - PRESENTATION - FINANCIAL REPORTS - YEAR ENDED 30 JUNE 2007. (F2004/06526)

287 **RESOLUTION:** *(Mayor, Cr. B. Notley-Smith/Nash)* that the Director Governance and Financial Services Report on the presentation of the Financial Reports for the year ended 30 June, 2007 be received and noted.

MOTION: (Mayor, Cr. B. Notley-Smith/Nash) CARRIED – SEE RESOLUTION.

11.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 57/2007 - RESERVE TRUST MANAGEMENT OF CHIFLEY ATHLETIC SPORTS (WOMEN) (D500014) RESERVE. (F2004/06324)

288 **RESOLUTION:** *(Belleli/Nash)* that:

- a) *Council formally accepts appointment as reserve trust manager of the Chifley Athletics (Women) (D500014) Reserve Trust from The Department of Lands; and*
- b) *Council consider funding for the rehabilitation of the site in the 2008/09 Budget.*

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

12. PETITIONS.

12.1 PETITION SUBMITTED BY THE MAYOR CR B. NOTLEY-SMITH ON BEHALF OF RESIDENTS SUPPORTING THE ERECTION OF A FENCE AROUND THE PARK AT WILKS STREET MATRAVILLE. (F2004/00930 xr F2005/00172)

289 **RESOLUTION:** *(Mayor, Cr. B. Notley-Smith/Matson)* that the petitions tabled be received and noted.

MOTION: (Mayor, Cr. B. Notley-Smith/Matson) CARRIED – SEE RESOLUTION.

12.2 PETITION SUBMITTED BY THE MAYOR CR B. NOTLEY-SMITH ON BEHALF OF RESIDENTS OBJECTING TO PROPOSED DEVELOPMENT AT MAHON POOL MAROUBRA. (F2004/08052 xr F2005/00172)

290 **RESOLUTION:** *(Mayor, Cr. B. Notley-Smith/Matson)* that the petitions tabled be received and noted.

MOTION: (Mayor, Cr. B. Notley-Smith/Matson) CARRIED – SEE RESOLUTION.

13. MOTIONS PURSUANT TO NOTICE.

13.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS SENG, HUGHES & WOODSMITH –ORDINARY COUNCIL MEETING – 28TH AUGUST, 2007 – ITEM 8.4 - DIRECTOR CITY PLANNING REPORT 54/2007 – 28 WALSH AVENUE, MAROUBRA (NAGLE PARK). DA/370/2007 & PROP005479.

291 **RESOLUTION:** *(Seng/Matson)* that:

the resolution passed at the Ordinary Council Meeting held on 28th August, 2007 reading as follows:-

“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 370/2007 for development comprising minor excavation to create a suitable base for eight (8) light poles, installation of eight (8) 18 metre high light poles; minor trench digging as required to supply electrical infrastructure to the light towers; to facilitate the use of the sports field for organised sports training sessions

until 8.00pm, with an additional 30 minutes for clean up, on four (4) evenings per week during the winter football season at Nagle Park, Randwick.

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

1. *The development must be implemented substantially in accordance with the plans numbered 5379 A-003, revision D and stamped as received by Council on 16 May 2007, the application form and supporting information received with the application including the "Lighting Technical Report" by Light Studio 21 Pty Ltd and associated photomontage.*
2. *A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting prior to the commencement of the use of the sports fields for football activities.*
3. *The light towers must only be operated for four (4) nights of the week during winter up until 8.30 pm.*

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

4. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

5. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
6. *The installation and operation of the light poles is to be in accordance with the requirements of AS/NZS 2560.2.3: Sports lighting-lighting for football (all codes) and AS/NZS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.*
7. *The recommendations contained in the report titled Lighting Technical Report undertaken by Light Studio 21 Pty Ltd form part of this consent.*

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 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 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.
11. **Prior to the commencement of any works**, the person having the benefit of the development consent must: -
 - i) appoint a Principal Certifying Authority for the work, and
 - ii) appoint a principal contractor for the work and notify the Principal Certifying Authority and Council accordingly in writing, and
 - iii) notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence works.
12. The works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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

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

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

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

Authority encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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 must also be provided to Council with the occupation certificate.

16. ***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:

17. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all contractors for assessment.*
18. *All excavations and backfilling associated with the erection of the light towers must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*
19. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

All site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

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

20. ***Noise and vibration emissions during the construction of the light towers and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act***

1997 must be satisfied at all times.

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.

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the work site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

*The public safety provisions and temporary fences must be in place **prior to the commencement of any site works** and be maintained throughout construction.*

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

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 or nature strip or in any public place: -*

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

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

25. *A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to the issuing of occupation certificate**, which certifies the structural adequacy of the light towers and that the works complies with the relevant structural design requirements of the Building Code of Australia.*

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

26. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
27. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

28. *The use and operation of the light poles and sports ground shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.*
29. *Subject to firstly receiving in principle approval by Sydney Water, the applicant must meet the full cost for the design and construction of suitable pedestrian bridges over the Sydney Water controlled stormwater culvert/channel that is located in Walsh Avenue, adjacent to the common boundary of Walsh Avenue and Nagle Park. The pedestrian bridges must be suitably designed such that it is above the calculated 1 in 100 year ARI flood level for the stormwater culvert/channel and structurally capable of withstand hydrostatic pressure from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). The location of the pedestrian bridges shall be to Council's and Sydney Water's satisfaction. The pedestrian bridges must meet all current accessibility standards.*

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

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

Tree Protection Measures

31. *In order to ensure the retention of existing mature trees at the site and in proximity to the location of the proposal light poles, the following measures are to be undertaken:*
- a. *All documentation submitted for the construction certificate application will be required to detail, to the satisfaction of the certifying authority, the location from which power will be sourced.*
 - b. *There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of any existing trees, with all documentation submitted for the construction certificate to demonstrate compliance with this requirement.*

Advisory Conditions

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

BE AND IS HEREBY RESCINDED.

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

292 **RESOLUTION: (Matson/Nash)** *that this matter be deferred until Council has had the opportunity to consider the Recreational Needs Study.*

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

14. CONFIDENTIAL REPORTS (CLOSED SESSION).

14.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 35/2007 - LEGAL PROCEEDINGS - MAROUBRA GARDEN VILLAGE - 13 TYRWHITT STREET, MAROUBRA. (F2004/06336)

293 **RESOLUTION: (Andrews/Matson)** *that the status of the Maroubra Garden Village legal proceedings be received and noted and that Council defend these legal proceedings.*

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

14.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 69/2007 - TENDER REPORT T09/07 - RANDWICK BRANCH LIBRARY REFURBISHMENT. (F2007/00357)

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

- a) *the Tender from CK Design International and Wilde & Woollard Pacific Pty Ltd be accepted under Clause 178 of the Local Government (General) Regulation 2005.*
- b) *authority is granted to the General Manager in conjunction with the Mayor to sign and affix Council's Common Seal to the Agreement for the REFURBISHMENT OF THE RANDWICK BRANCH LIBRARY TENDER NO.: T 09/07 with CK Design International and Wilde & Woollard Pacific Pty Ltd.*
- c) *The unsuccessful Tenderers are notified of the Tender result.*

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

14.3 CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 58/2007 - SSROC TENDER FOR THE SUPPLY OF AGRICULTURAL PRODUCTS. (F2007/00522)

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

- a) *the report prepared by the Tender Panel for the Provision of Agricultural Products to member and associate member councils of SSROC, be received and noted;*
- b) *under Regulation 178 (1)(a) of the Local Government (General) Regulation 2005, Globe Australia Pty Ltd be accepted as the successful tenderer; and*
- c) *the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Globe Australia Pty Ltd for a period of three years.*

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

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 8.20 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 30 OCTOBER, 2007.

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CHAIRPERSON