

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 27TH NOVEMBER, 2007 AT 6:06 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	-	Crs R. Belleli & A. White
East Ward	-	Cr D. Sullivan (from 6.25pm)
West Ward	-	Crs S. Nash (from 6.53pm), & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 6.53pm) & 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, Administrative Services	Mr. D. Kelly.
Manager, Development Assessment	Mr. K. Kyriacou.
Communications Manager	Ms. D. Brien.
Manager, Strategic Planning	Ms. K. Armstrong.
Manager, Information Technology	Mr. G. Curley.
Landscape Design Coordinator	Ms. K. Colquhoun.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by the Mayor, Cr. B. Notley-Smith. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Daley and Hughes.

RESOLVED: (Procopiadis/White) that the apologies from Crs Daley and Hughes for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 27th November, 2007 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 30TH OCTOBER, 2007.

341 **RESOLUTION: (Andrews/Kenny)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 30th October, 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.

- (a) The Mayor, Cr. B. Notley-Smith, Crs Belleli, Nash and Seng all declared non pecuniary interests in Item 8.4 as they have all just been made aware that the applicant has previously made campaign contributions to the State Liberal Party. The Mayor and Councillors will be debating and voting on the item.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 8.1 DIRECTOR, CITY PLANNING REPORT 101/2007 –
10-16A BREAM STREET, COOGEE. **(DEFERRED)**

Applicant Mr David Roberts

Item 8.2 DIRECTOR, CITY PLANNING REPORT 102/2007 –
3 MILFORD STREET, RANDWICK.

Objector Mr Tony McNamara

Applicant Mrs Alison Freeman

Item 8.4 DIRECTOR, CITY PLANNING REPORT 104/2007 –
438-448 ANZAC PARADE, KINGSFORD.

Applicant Mr Spiro Stavis

Item 11.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 76/2007 -
ECONOMIC DEVELOPMENT STRATEGY.

For Mr David Baumgarten
(Eastern Suburbs Business Enterprise Centre)

The meeting was adjourned at 6.28 p.m. and was resumed at 6.53 p.m.

RESOLVED: (PROCEDURAL MOTION) (Belleli/Bastic) that all development applications be considered as the first items of business for the benefit of interested members of the public.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 120/2007 - ANNUAL PERE RECEVEUR HISTORIC MASS AT LA PEROUSE - REQUEST FOR ASSISTANCE. (F2005/00182)

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

- a) *Council agree to assist by underwriting the hire charges of the marquee amounting to \$2,675.20 for the Annual Pere Receveur Historic Mass to be held on Sunday 17 February, 2008 and the funds be charged to the Contingency Fund 2007/08;*
- b) *organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the celebration; and*
- c) *the Mayor or his representative be given the opportunity to address the celebration on behalf of Council.*

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

6.2 MAYORAL MINUTE 121/2007 – RESTRICTION TO THE CONSUMPTION OF ALCOHOL AT BAKER PARK AND LEETE PARK, COOGEE. (F2004/07501)

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

- a) *Randwick City Council resolve to erect regulatory signs in accordance with the relevant standards and guidelines at Baker Park and Leete Park, Coogee to prohibit the consumption of alcohol between sunset and sunrise, and*
- b) *that the General Manager advise the Eastern Beaches Premier's Crime Prevention Partnership, accordingly.*

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

6.3 MAYORAL MINUTE 122/2007 – WAIVING OF FEES – YARRA BAY GREEK ORTHODOX EPIPHANY CELEBRATION. ((F2004/07079)

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

- a) *Council vote \$3,278.90 to cover the fees associated with the event and funds be allocated from the Council Contingency Fund 2007/08;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor or the Mayor's representative shall be given the opportunity to address the event on behalf of Council.*

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

6.4 MAYORAL MINUTE 123/2007 – WAIVING OF FEES – 3RD PAUL TRAVINI CUP COMMUNITY CRICKET DAY. (F2006/00216)

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

- a) *Council vote \$3,345.00 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2007/08;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

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

6.5 MAYORAL MINUTE 124/2007 – COOGEE SPARKLES NYE FIREWORKS. (F2006/00261)

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

- a) *Council receive and note this report; and*
- b) *Council support the NYE activity "Coogee Sparkles" being staged at Coogee Beach.*

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

6.6 MAYORAL MINUTE 125/2007 – POLICE PATROLS ADVISORY SIGNS FOR THE KINGSFORD AND KENSINGTON TOWN CENTRES. (F2004/07501)

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

- a) *Randwick City Council resolve to erect Police Patrol warning signs at the Kingsford and Kensington Town Centres, and*

- b) *that the General Manager consult with Eastern Beaches Local Area Command Police to determine the appropriate wording and locations for the proposed signs.*

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

6.7 MAYORAL MINUTE 126/2007 – WATER SAVING POSTER AND REMINDER TO SCHOOLS ABOUT RANDWICK COUNCIL'S SUPPORT FOR RAINWATER TANK INSTALLATIONS IN SCHOOLS. (F2006/00249)

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

the distribution of the water saving poster be distributed to local schools for the commencement of the 2008 school year with a reminder of Randwick's "Rainwater Tanks in Schools" initiative.

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

6.8 MAYORAL MINUTE 127/2007 – NEW WATER SAVING INITIATIVES FOR RANDWICK. (F2004/06495)

349 **RESOLUTION: (The Mayor, Cr. B. Notley-Smith)**

that Council endorses:

- a) *the vision that within 20 years, not one drop of water will be going to the ocean in Randwick without first being re-used in some form: and*
- b) *that within 20 years all residents will be using as much of their own rainwater, greywater and stormwater as practicable; and*
- c) *that this vision and the principles and objectives upon which it is based are incorporated into the 2008 review of our strategic City Plan.*
- d) *Council supports investigations and costings into:*
- A full scientific study of the Botany Sands Aquifer, starting with an examination led by Council in the northern sector;*
 - Investigating the re-direction of stormwater where possible into retaining basins or swales in our parks and reserves;*
 - Costing and design of systems to use and to treat stormwater, greywater or rainwater for irrigation and for other appropriate purposes;*
 - Changes to kerbing and road design and other infrastructure to enable increased filtration and re-direction of stormwater; and*
 - Establishing new partnerships and seeking additional resources to implement innovative and significant water saving projects across Randwick City.*

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

7. URGENT BUSINESS.

7.1 URGENT BUSINESS – CR TRACEY – OFFICIAL CONGRATULATIONS FROM COUNCIL ARISING FROM THE 2007 FEDERAL ELECTION. (F2007/00551)

350 **RESOLUTION: (Tracey/Procopiadis) that Council:**

- a) *write to the new Rudd Government and congratulate the Prime Minister Elect and the Australian Labor Party on their resounding victory, such correspondence to note that over sixty percent of Randwick City Electors supported Mr Rudd and that some of the progressive programs of the new government include environmental sustainability, action on climate change, aboriginal reconciliation, workplace fairness, education reforms and the proper funding basis for health*

services. These have all been particular areas of concern for our community. The correspondence to also note that the new Government's policies sit perfectly with the ideals of Randwick City Council of sustainability and community building and we especially welcome the commitment to return Malabar Headland to the people of New South Wales. We also appreciate and support the new Government's proposals for local government constitutional recognition; and

- b) write to John Howard thanking him for his tremendous efforts over the last eleven years and to Malcolm Turnbull congratulating him on his election to the seat of Wentworth.

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

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 101/2007 - 10-16A BREAM STREET, COOGEE. (DA/185/2007 & PROP039825 & 842)

351 **RESOLUTION: (Andrews/Bastic) that:**

- A. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/185/2007 for the refurbishment of 4 existing shops and construction of new multi-unit housing development above and in a new building to the rear containing a total of 3 x 1 bedroom, 8 x 2 bedroom and 1 x 3 bedroom dwellings with basement parking, plus strata subdivision at 10-16A Bream Street, Coogee, subject to the following conditions:

Deferred Commencement Conditions

The consent shall not operate until the following amendments and details have been submitted to and approved by the Director of City Planning.

1. Amended plans and elevations showing accurate dimensions and proportions for all architectural features of the proposal including the following:
 - the privacy screens on the east elevation of the balcony to Unit 1 on the Ground Floor, and Unit 4 on Level 1, of Building 2 be installed with louvres/blades that are fixed at an angle that directs all views away from, and thus ensures privacy to the residential properties at No. 18 and No. 20 Bream Street.
 - Provision of venting to the apartments and/or additional glass height in the north elevation and roof of Building 1 fronting Bream Street so as to utilise the height afforded by the proposed roof form to Bream Street as recommended by the Design Review Panel.
 - Increase in the area of all bedrooms, through internal redesign of bathrooms/service areas within the proposed envelope of the building that is subject of the DA as lodged and to be approved, in accordance with the requirements of the Residential Flat Design Code as recommended by the Design Review Panel (there shall be no increase in the envelope of the proposed building that is subject of the DA as lodged and approved).
 - Rearrangement of the internal areas of Unit No. 12 to improve circulation as recommended by the Design Review Panel.
 - Inclusion of furniture layouts to floor plans.
 - Provision of privacy screen to balconies in Building 1 to enhance protection of privacy to No. 18 Bream Street.

- *Increase the height of planter boxes in the central courtyard above the basement carpark podium to provide adequate soil depth to tree plantings of 8-10 m as recommended by the Design Review Panel.*
 - *Inclusion of pergola design and pathway indicated on the landscape drawings into the architectural drawings as recommended by the Design Review Panel.*
 - *Deletion of the bi-fold windows in all shop fronts to Bream Street in Building 1 and replace with appropriate enclosing glazed element/façade.*
 - *The proposed gutter and down-pipes in the proposal to be suitably treated/concealed to further improve the visual amenity of proposal as recommended by the Design Review Panel*
 - *inclusion of sunshading and weather protection devices to windows and provision of details of window operation to optimise cross-ventilation and address security issues as recommended by the Design Review Panel.*
2. *Details of the external colours, materials, textures and finishes of the proposal in the form of a comprehensive sample board linked and coded to a coloured elevation and/or street perspective.*

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

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered DA03 to DA09, all dated June 2006, and stamped received by Council on 13 March 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 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. *Details of bicycle storage as required in the Development Control Plan – Parking shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*
3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
5. *Lighting to the premises shall be designed in accordance with AS4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting" 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.*
6. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.*
7. *Development consent is required to be obtained in relation to the specific 'use and operation' of shop tenancies or occupancies, in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*

8. *Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*
9. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*
10. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

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

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

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

11. *The registered proprietor of the land the subject of this consent shall enter into a positive covenant that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.*
12. *Where the plans which are the subject of this consent reserves parking spaces and/or courtyards for the exclusive use and enjoyment to an occupier of the land, the registered proprietor shall enter into a positive covenant that no change will be made to such reservations without the prior approval of Randwick City Council.*

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

13. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

a) <i>for the provision or improvement of open space</i>	<i>\$13489.00</i>
b) <i>for the provision or improvement of community facilities</i>	<i>\$5967.00</i>
c) <i>Administration fee</i>	<i>\$425.00</i>

*The contribution must be paid in cash or by bank cheque a **construction certificate being issued** for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

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

14. *The development is to be staged requiring two separate Construction Certificates to enable the satisfactory Remediation of the site whilst fulfilling the requirements of Section 81A of the Environmental Planning and Assessment Act, 1979.*

The Stage one (1) Construction Certificate is to encompass;

- *Excavation (including remediation works required by the Remedial Action Plan)*
- *Piering, Piling and or Retaining of the excavation*
- *Structural support of existing structures*
- *Drainage*

- *The Stage two (2) Construction Certificate is to encompass;*
- *The remainder of the development*

15. *The following conditions must be satisfied **prior to issuing a construction certificate for Stage One (1) of the development (or as otherwise stated below):***

a) *A Remedial Action Plan must be prepared by an independent and appropriately qualified environmental consultant and a report must be submitted to and approved by Council's Manager Health, Building and Regulatory Services (or delegated officer) prior to the issue of the Stage One (1) Construction Certificate.*

The report must include details of any required remediation works, having regard to the development and works encompassed in this consent.

b) *The land must be remediated to a level that will satisfy the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be satisfied (as applicable):-*

c) *A Remediation Action Plan (RAP) is required to be submitted to and approved by Council prior to the issue of the Stage One (1) Construction Certificate.*

I. *The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment and Climate Change (DECC), including;*

- *The Guidelines for Consultants Reporting on Contaminated Sites*
- *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) Guidelines 2007.*
- *NSW Planning Guidelines to SEPP 55 – Remediation of Land*

II. *A written statement is to be provided to the Council from the Environmental Consultant, which confirms that the Remediation Action Plan satisfies the relevant legislative requirements and guidelines and that the land is able to be remediated to the required level and the land will be suitable for the intended development and use prior to the issue of the Stage One (1) Construction Certificate.*

III. *Remediation works are required to be carried out in accordance with the relevant requirements of the Contaminated Land Management Act 1997, Guidelines made by the NSW Department of Environment and Climate Change (DECC) and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999, the Protection of the Environment Operations Act 1997 and conditions of development consent.*

IV. *The requirements contained within any applicable Site Contamination Report, Remediation Action Plan, Site Management Plan or other*

strategy associated with the site contamination report and/or remediation strategy approved by Council, form part of this consent and must be complied with.

V. Upon completion of remediation works, a Validation Report must be prepared by a suitably qualified Environmental Consultant and be submitted to and approved by Council **prior to the issue of the Stage two (2) Construction Certificate**. The validation report is required to confirm and provide details to demonstrate that the site is suitable for the proposed development and use and shall include:

- Description and documentation of all works performed.
- Results of validation testing and monitoring.
- Validation results of any imported fill onto the site.
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.
- Confirmation and justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

16. Any fill that is to be imported to the site is to be monitored, classified and documented by a suitably qualified Environmental Consultant. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.

17. Hazardous or intractable wastes arising from the demolition 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).

18. 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).

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:

19. 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).

20. 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.

21. *The development shall be ventilated in accordance with the relevant requirements of Part F of the BCA and Australian Standard A1668 Parts 1 & 2. Details of compliance with these standards and the BCA are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of the relevant documentation is to be provided to Council. In this regard, should mechanical ventilation be provided, the following is required:*

*A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate for Stage (2)** 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:

22. *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.*
23. *Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.*
24. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.***

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

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

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

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

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

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

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

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

26. *The applicant must meet the full cost for Council or a Council approved contractor to undertake civil works along both the Bream Street and Dolphin Lane site frontages as required to facilitate pedestrian and vehicular access to the site. These works will include, but not necessarily be limited to, the following:*

Bream Street frontage:

- a) *Reconstruction of any damaged sections of footpath along the full site frontage;*
- b) *Reconstruction of any damaged sections of kerb and gutter along the full site frontage (including associated roadworks).*

Dolphin Lane frontage:

- c) *Construction of an asphalt roadway, (or other pavement as determined by Council), between Carrington Road and the eastern property boundary with one way cross fall to the south;*
 - d) *Construction of concrete laybacks and vehicular crossings at the following locations:*
 - i) *Opposite the proposed vehicular entrance to the site;*
 - ii) *Opposite the existing vehicular entry point to 8 Bream Street;*
AND
 - iii) *At the end of the new asphalt laneway (to facilitate vehicular access into the park by service vehicles when required).*
 - e) *Construction of new concrete kerb and gutter on both the northern and southern sides of the laneway between Carrington Road and the eastern property boundary (except in the areas of layback as defined above);*
 - f) *Construction of a new kerb inlet pit in the lowest point of the reconstructed laneway and connection to Council's underground drainage system in Dolphin Street via a new 375mm diameter RRRCP pipeline. The new pit and the pipe junction into Council's existing underground drainage system shall be designed and constructed to the satisfaction of Council's Assets Drainage Engineer.*
27. *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.*
28. *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.*
29. *Prior to the issuing of a Construction Certificate for the development site the applicant shall submit to Council 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 and site regrading, (including detailed levels, and cross sections that make reference to both existing and proposed surface levels) for all works associated with the reconstruction of Dolphin Lane. 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 Director Of City Services. 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.

30. *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. All works within the road reserve shall be undertaken in such a manner as to minimize the impact on vehicular access to the rear of 8 Bream Street.

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.

31. *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.*
32. *The driveway opening at the Dolphin Lane frontage must be must be 4.5 metres wide with a 1.5 metre by 1.5 metre splay on the western of the driveway. The driveway will reduce to 3.0 metres in width going into the development site. The applicant is advised to contact Council's Development Engineer Coordinator to discuss this requirement prior to lodgement of the Construction Certificate Application. The Construction Certificate plans must demonstrate compliance with this requirement.*
33. *The internal driveway must be a minimum of 3.0 metres wide (clear width) at all points along the driveway with a 1.5 metre by 1.5 metre splay on the western side of the driveway as referenced above.*
34. *The vehicular access and carpark are to be in designed in strict accordance with the requirements of AS2890.1:2004 (including, but not limited to, the ramp grades, carpark layout and height clearances). The Construction Certificate plans must demonstrate compliance with this requirement. Particular attention must be given to the design gradients and transition sections along the proposed internal driveway given that a high point 300mm above the 1 in 100 year ARI flood level must be achieved/incorporated into the design.*
35. *A Works Zone is to be provided in Bream Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The*

prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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.

36. *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. The plan must also detail any proposed changes to the existing Bus Stop located in Bream Street and partially fronting the development site.*

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

37. *The minimum clear distance from the existing footpath in Bream Street to the underside of any new / proposed awning shall be 3.00 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
38. *The minimum clear distance from the existing footpath in Bream Street to the underside of any new / proposed under awning sign shall be 2.60 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
39. *All new awnings shall be set back a minimum of 600mm from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
40. *Upon completion of the construction of any new awning, certification of the structural adequacy of the awning must be provided to the Council.*

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

41. *The Council's Development Engineer has determined that, as a guide, the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall generally be:*
- *Bream Street frontage: Match the back of the existing footpath along the full site frontage.*
 - *Dolphin Lane frontage: These levels may vary following design of the reconstructed laneway, however, as a guide the alignment level for the new driveway will be approximately 100mm above the edge of the existing laneway.*

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

42. *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.*
43. *The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$938.78 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

44. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

45. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
46. *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.*
47. *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.*
48. *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*
49. *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.*

All electricity and telecommunication cables/wires to service the development site across the road carriageway and/or the Council nature reserve (footpath area) are to be located underground to the satisfaction of the relevant service utility authority

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

Protection from flooding

50. *The floor level of all habitable and storage areas (including the garbage room and any portions of the electrical and utilities cupboards that may be adversely affected by floodwater) shall be a minimum of 300mm above the calculated 1 in 100 year flood level for this site or suitably protected from stormwater inundation up to the subject level. Based on the flood study by Pyramid Consulting Engineers dated February 2007 the calculated 1 in 100 year flood level is RL 16.69 metres A.H.D and therefore 300mm above this level is R.L. 16.99 metres A.H.D. The Construction Certificate Application must demonstrate compliance with this requirement.*
51. *The proposed internal driveway (and any other openings into the basement*

carpark from Dolphin Lane) must be designed with a high point at least 300mm above determined 1 in 100 year flood level (i.e. a high point of R.L 16.99 metres A.H.D) and in such a manner as to restrict stormwater inundation of the carpark area and surrounds. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

Further, the three car spaces proposed at the rear of the site adjacent to the entry to the basement carpark shall be located a minimum of 300mm above the determined 1 in 100 year flood level (i.e. at or above R.L 16.99 metres A.H.D) or suitably protected from stormwater inundation up to the subject level.

52. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the determined 1 in 100 year flood level, (i.e. at or above R.L 16.99 metres A.H.D) or suitably protected up to this level. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
53. All footings shall be suitably designed to ensure that they will not be adversely affected by stormwater/floodwater.
54. 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.

Internal and External Drainage works

55. 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.
56. All site stormwater must be discharged (by gravity) to either:
 - a) The underground drainage system in Dolphin Street, via the new drainage system to be constructed in Dolphin Lane; OR
 - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

Notes: (i) Discharge to the underground drainage system in Dolphin Street will necessitate the applicant meeting all costs associated with constructing a new kerb inlet pit (in general accordance with Council's standard drawing SD7a) in the lowest point of Dolphin Lane and extending Council's underground drainage system up from Dolphin Street to connect into the new kerb inlet pit. Given that the low point pit will be located on the southern side of Dolphin Lane, stormwater discharge from the site may be taken to the kerb and gutter on the northern side of Dolphin Lane and permitted to flow across the lane into the new kerb inlet pit.

(ii) With the exception of the site discharge pipe, all new pipelines constructed within council's reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's reserve shall be

inspected and approved by the Hydraulic Engineer certifying the works and Council.

57. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve or park shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve or park shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*
58. *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 an occupation certificate, detailing the as constructed details for all works within Council's road reserve (including detailed levels).*
59. *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.*
60. *Should stormwater be discharged to Council's underground drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.
61. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.*

Should no formal overland escape route be provided for storms greater than the design storm, the infiltration system shall be sized for the 1 in 100 year storm event.
62. *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.*
63. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
64. *Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property.*
65. *The maximum depth of ponding in any above ground detention areas (and/or*

infiltration systems with above ground storage) shall be as follows:

- a) 150mm in uncovered parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area.*
- b) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
- c) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
- d) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

Notes:

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

66. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.

67. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

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

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

69. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.

70. A reflux valve shall be provided (within the site) over any pipelines discharging from the site into Council's underground drainage system to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.

71. 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.

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

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

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

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

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

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

73. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.*
 - b) *The car washing bay must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bay may be located within the visitor parking spaces provided they are signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - d) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - e) *A water tap shall be located adjacent to the car washing bay.*
74. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) *The location of the detention basin with finished surface levels;*
 - b) *Finished site contours at 0.2 metre intervals;*
 - c) *Volume of storage available in the detention areas;*
 - d) *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - e) *The orifice size(s) (if applicable);*
 - f) *Details of any infiltration/absorption systems; and*

- g) *Details of any pumping systems installed (including wet well volumes).*
75. *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.*
76. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.*

Notes: -

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

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

77. *The residential waste storage area/s shall be sized to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins. The commercial waste storage area/s shall be sized to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins.*
78. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
79. *The waste storage areas shall be clearly signposted.*
80. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.*

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

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

81. *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 (in conjunction with registration of the plan of strata subdivision) to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not*

be released, varied or modified without the consent of the Council.

Notes:

- 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.

82. The applicant shall create suitable right of carriageway, easements for access, services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.

83. 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 strata subdivision.

84. All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.

85. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.

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

86. 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.*
 - 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. The landscape plan shall show suitable screen planting along the southern site boundary to effectively screen the development site from the adjacent reserve and playground. The landscape plan shall also include specimens which will attain a size which will afford a reasonable degree of screening and privacy between this site and adjoining properties around the perimeter of the site, within those areas nominated as 'deep soil'.*
 - h. 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.*
 - i. 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.*
 - j. Location of easements within the site and upon adjacent sites (if any).*
 - k. Provision of an irrigation system to ensure the long term sustainability of plants in balcony planters.*
- 87. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

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.

- 88. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such*

system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.

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

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

90. *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.

91. *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

92. *Permission is granted for the removal of those trees located within the development site and falling within the area occupied by the approved works, (this includes all trees on the development site). 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.*

Tree Protection Measures

93. *In order to ensure the retention and health of the Persea americana (Avocado Tree) tree located within 8 Bream Street and adjacent to the common boundary with the development site, the following measures are to be undertaken:*

a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*

b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within the extent of the tree's dripline.*

c. *There is to be no pruning of the tree without the prior written consent of Council. Any approval for pruning shall be conditional upon the works being undertaken by a suitably qualified contractor.*

d. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located within the development site around the extent of the dripline, (as a minimum).*

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

- e. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- f. Any excavations required for footings, structures, retaining walls, basement car parks, services, pipes, detention tanks, stormwater infiltration systems, paving etc within 1 metre of the extent of the dripline of the tree shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- g. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- h. Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.*
- i. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

- 94. Conditional upon the applicant proposing works within the dripline of the *Persea americana* (Avocado Tree) tree located within 8 Bream Street, and 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 Arborist's Report (prepared by a consultant with a minimum qualification of Certificate 4 in Arboriculture) which includes site investigations such as root mapping and relevant recommendations to ensure the tree's preservation during the course of the proposed works.*

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

- 95. 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.

- 96. 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.*

- 97. **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.*

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.

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

- i) appoint a Principal Certifying Authority for the building work, and*
- ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

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

99. *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.

100. *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".*

101. 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.

102. **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.

103. 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.*

104. 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.

105. 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.

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

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

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

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

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

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

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

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

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

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

adjoining the subject site.

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

111. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises (including the Council if bounding a public place) and details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.***
112. *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:

113. *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.

114. *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.

115. *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.*
116. *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.*
117. *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.*
118. *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.*
119. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.*
- Any recommendations and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the PCA and Council.*
120. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*

- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
121. *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.*

122. *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.

123. *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.

124. *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.

125. 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.

126. 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.

127. The owner of the subject land shall hold Public Liability Insurance, with a minimum liability of \$20 million and a copy of the Insurance cover is to be provided to Council.

128. *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.

129. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*

- any works or hoisting of materials over a public footway or adjoining premises, or*
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

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 hoardings, site fencing 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.

130. *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:

131. 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.

132. 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.

133. 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.

134. 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.

135. 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.

136. A Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

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

137. Access and toilet facilities for people with a disability are to be provided, in accordance with Parts D3 & F2 of the Building Code of Australia and AS1428.1, which must be available at all times the building is occupied and details are to be included in the **construction certificate**.

ADVISORY MATTERS:

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

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.

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

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

- | | | | |
|----|-------------|---|--|
| a) | Part B1 | - | Structural provisions |
| b) | Part C1 | - | Fire resistance and stability |
| c) | Part C3 | - | Protection of openings |
| d) | Clause D3.5 | - | Car parking for people with disabilities |
| e) | Part E1 | - | Fire fighting equipment |
| f) | Part E2 | - | Smoke Hazard Management |
| g) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| h) | Part F1 | - | Damp and weatherproofing |
| i) | Part F4 | - | Light and ventilation |

- j) Part F5 - Sound Transmission and Insulation
- k) Section J - Energy efficiency

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.

3. *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.

4. *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/Bastic) CARRIED – SEE RESOLUTION.

8.2 DIRECTOR, CITY PLANNING REPORT 102/2007 - 3 MILFORD STREET, RANDWICK. (DA/603/2007 & PROP019421)

- 352 **RESOLUTION: (Andrews/Bastic)** *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 DA/603/2007 for permission to convert an existing dual occupancy into a single dwelling and undertake alterations and additions, including an additional storey, a double garage and level 2 rear balcony at 3 Milford Street, RANDWICK NSW 2031 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 8891 100/A3(A) - 8891 107/A3(A), dated 14.9.07 and received by Council on 20 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:*
2. *The proposed Level 1 (or first floor) rear balcony associated with the Dining Room and Kitchen shall be reduced in length by approximately 1.4m such that it does not extend further than the rear most part of the main building (i.e. the adjacent south facing French doors) and no more than 2.6m south of gridline "A". The privacy screen on the western side of the balcony which is no longer required shall also be deleted. These changes are to be shown on the documentation submitted with an application for a construction certificate.*
3. *The proposed roof over the Level 1 (or first floor) rear balcony associated with the Dining Room and Kitchen shall be reduced in length by approximately 2.2m*

such that it does not extend further than 2.9m south of gridline "A".

4. *The bench-top handrails provided to the eastern sides of the rear Level 1 and attic balconies shall extend the full length of the balconies, be permanently fitted and constructed of an opaque material of a minimum width of 900mm for level 1 and 750mm for the attic.*
5. *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.

6. *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.*
7. *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.*
8. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

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

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

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

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

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

The following condition/s are applied to meet additional demands for public facilities;

10. *In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.*

Category	Cost	Applicable Levy	S94A Levy
Development Cost More	\$400,000	1.0%	\$4,000

than \$200,000			
----------------	--	--	--

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

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

11. *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.

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

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

The following 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:

13. *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.

14. *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:

15. *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.

16. *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.*

17. ***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.

18. ***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.

19. *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.

20. *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".*

21. *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.

22. ***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.

23. *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.*

24. *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.

25. *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:

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

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*

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

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

27. 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.*

28. *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.

29. *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.*
30. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe

condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

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

31. *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.

32. *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.

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (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.

34. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, 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:

35. *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/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:

36. *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.*

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

37. *The applicant must meet the full cost for Council or a Council approved contractor to install vehicular crossings and to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to*

building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

38. *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.*

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

39. *Prior to the issuing of a final 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 proposed garage entrance to the site.*
 - b. *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
40. *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.*
41. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

42. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:*
- *Garage Entrance – Match the existing Council kerb level at all points opposite the kerb.*
 - *Pedestrian Gate Entrance – Match the existing driveway slab level at this location.*

Any enquiries regarding the above matter can be directed to Council's development Engineer Mr P. O'Sullivan on 9399 0923.

43. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb/slab level 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.*
44. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST).*

This amount is to be paid prior to a construction certificate being issued for the development.

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

45. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
46. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

47. *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.*

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

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

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

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

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

You are therefore advised to ensure that the development is not inconsistent with Council's consent and to consult with Council's Building Certification Services or an

accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

MOTION: (Matson/Seng) that this application be deferred for mediation with the intent of reducing the bulk and scale of the proposed development. **LOST.**

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

8.3 DIRECTOR, CITY PLANNING REPORT 103/2007 - 413R CLOVELLY ROAD, CLOVELLY. (DA/843/2007 & PROP043379)

353 **RESOLUTION: (Andrews/Seng) that:**

- A. Council, as the consent authority, grant development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, as amended, to Development Application No. 843/2007 for construction of a coastal walkway from the Clovelly Surf Life Saving Club to the pump-out station on Cliffbrook Parade, comprising pedestrian footpaths and crossings within the public car park, pedestrian plaza areas, seatings, retaining wall, landscaping and reconfiguration of the car park layout, at 413R Clovelly Road, Clovelly, subject to the following conditions:

Conditions of Consent

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 following plans received by Council on 9 October 2007:

Plan Number	Prepared By	Dated
43177336 – LA-001 (Rev 3)	URS	06.08.07
43177336 – LA-002 (Rev 3)	URS	06.08.07
43177336 – LA-600 (Rev F)	URS	06.08.07

, the application form and 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. Any security lighting to the subject car park and coastal walkway shall be designed so as not to cause a nuisance to nearby residents.

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

3. 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.

4. 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.

5. **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.

6. **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.
7. 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 clause 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.

8. 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,
 - name, address and telephone number of the Principal Certifying Authority,
 - a statement stating that "unauthorised entry to the work site is prohibited".
9. 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 relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

10. ***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.

11. ***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:

12. ***A Construction 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 management plan must include the following measures, as applicable to the type of development:***
- The proposed phases of construction works on the site, and the expected duration of each construction phase. The scheduling of construction works is to avoid the summer peak seasons where visitor traffic and parking demand in the Clovelly Bay and Gordon's Bay areas are at high levels.***
 - The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.***
 - The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development / construction process.***
 - 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.***
 - Details of methods of disposal of demolition materials.***
 - Protective measures for tree preservation.***
 - Provisions for temporary sanitary facilities.***
 - Location and size of waste containers/bulk bins.***
 - Details of proposed sediment and erosion control measures.***
 - Construction noise and vibration management.***
 - The proposed method of access to and egress from the site for construction***

vehicles, including access routes through the Council area.

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 Management Plan must be maintained on site and be made available to Council officers upon request.

13. 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.

14. 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.

15. All excavations and backfilling associated with the erection or demolition of a building / structure 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.

16. *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.

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

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

18. *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.*

19. *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.

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 the Construction Management Plan which 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.

21. *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. *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.*
- c. *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.*
- d. *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.*
- e. *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.*
- f. *Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.*

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

22. *A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the commencement of works**.*

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

sites.

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

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

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

23. *The proposed parking spaces are to be line-marked in accordance with the approved development plans. Where appropriate, safety and directional signage is to be provided consistent with the provisions of Section 4.3 of Australian Standard 2890.1: Off-street car parking.*

24. *The three northern-most accessible (disabled) parking spaces adjacent to the Clovelly Surf Life Saving Club shall be combined to form two (2) accessible parking spaces. Additionally, each pair of proposed accessible spaces shall be combined to form one (1) accessible space.*

Furthermore, two (2) additional accessible spaces shall be provided at the south-western corner of the car park, adjacent to the entry / exit point on the southern end of Victory Street. The above spaces may be formed by converting four standard 90-degree angled spaces.

Details demonstrating compliance with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

25. *A total of eight (8) standard parking spaces (NOT being disabled spaces) are to be reserved for the exclusive use by the Surf Life Saving Club's duty patrol members. Appropriate line-marking and signs are to be provided to this effect.*

Details demonstrating compliance with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

26. *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.*

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

27. *Detailed drainage plans, prepared by a qualified and practising hydraulic engineer, 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.*

28. *A Gross Pollution Trap (GPT) is to be provided at the stormwater discharge point at the south-western corner of the car park.*

The GPT shall be capable of collection and containment of liquids (eg grease and oils), sediments and trash and it shall treat all runoff up to the 3 month ARI.

Details of the proposed GPT device shall be submitted to, and approved by, Council, prior to the issue of a Construction Certificate.

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

29. *A landscape plan at an appropriate scale, detailing the location of all proposed planting shall be submitted to, and approved by, the Principal Certifying Authority (PCA), prior to the issue of a construction certificate, and shall include the following:*
 - a. *Location of all existing vegetation likely to be affected by the proposed works, including position of their trunks and extent of their driplines/canopies, and whether they are nominated for retention or removal;*
 - b. *Species selection that is limited to only those native species which are capable of withstanding a harsh, frontline coastal environment, comprising a suitable mixture of appropriately selected and located groundcovers, accent/feature species, plants, shrubs and trees;*
 - c. *The selected plant species are to have a mature height of not more than 3m in order to maximize sea views from the public and private domain;*
 - d. *All proposed plants to be shown at their full size at maturity;*
 - e. *A plant schedule which details all proposed species, their pot size at the time of planting and quantity;*
 - f. *Additional notation showing soil, mulch and staking 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.*
30. *The approved landscape works shall be installed, to the satisfaction of the Principal Certifying Authority, prior to the issue of a final occupation certificate.*
31. *Approval is granted for the removal of any existing vegetation at the site which needs to be removed in order to accommodate the proposed works, and is subject to implementation of the approved landscape plan.*
32. *Any damage sustained to public areas as a result of the works proposed in this application shall be fully reinstated, to the satisfaction of Council's Director of City Services, prior to the issue of a final occupation certificate.*

The following conditions are applied to protect the significance of heritage items in the vicinity to the site:

33. *Where required, repair works are to be undertaken in respect of the existing sandstone block retaining walls along the seaward edge of the car park as part of the proposed works. An appropriate soft mortar is to be used to minimise further weathering of sandstone blocks.*
34. *In the unlikely event that Aboriginal archaeological remains or deposits are exposed during works on the site, all work is to cease and the Department of Environment and Climate Change is to be notified under the requirements of the National Parks and Wildlife Act 1974.*

35. *In the unlikely event that Historical archaeological remains or deposits are exposed during the works, all work is to cease and the NSW Heritage Office is to be notified under the requirements of the Heritage Act 1977.*

The following condition is applied to ensure appropriate access control to pedestrian walkways:

36. *Bollards or other appropriate access control devices are to be installed in a suitable location at the corner of Cliffbrook Parade and Victory Street, in order to restrict access to the pumping station on Cliffbrook Parade to Sydney Water, Council or other authorised personnel and vehicles. Details demonstrating compliance with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.*

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 or any other container or article.*

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

8.4 DIRECTOR, CITY PLANNING REPORT 104/2007 - 438-448 ANZAC PARADE, KINGSFORD. (DA/679/2007 & PROP011720)

- 354 **RESOLUTION: (Procopiadis/Andrews) that**

- A. *Council support the objection under State Environmental Planning Policy 1 – Development Standards in respect to non-compliance with Clause 33(5) of the Randwick Local Environmental Plan 1998 (relating to maximum building height), on the grounds that the proposed development complies with the objectives of the clause and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.*
- B. *THAT Council, as the consent authority, grant development consent by "Deferred Commencement" under Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 679/2007 for demolition of existing structures on site and construction of a part 3- and part 7-storey mixed use development comprising 3 retail units, a restaurant, a new Castellorizian Club, 66 residential apartments and basement parking for 122 vehicles, at No. 438-448 Anzac Parade, Kingsford, subject to the following conditions:*

Deferred Commencement Conditions

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

1. The proposed 5m high blade wall and beam structures attached to the first floor balcony on the western, Anzac Parade frontage of the development are to be deleted or substantially modified as appropriate, in order to minimise building bulk and ensure consistency of the Anzac Parade streetscape. Amended drawings demonstrating compliance with the above requirements are to be submitted to the satisfaction of Council.
2. Amended drawings are to be submitted to clearly indicate the proposed colours, materials and finishing of the external surfaces of the building. Appropriate legends are to be incorporated on the plans.
3. Amended drawings are to be submitted to clearly indicate the provision of continuous awning / balcony along the Anzac Parade frontage of the site.

Additionally, in order to ensure the retention of the two (2) *Platanus x hybrida* (London Plane Trees) located within Council's Anzac Parade footpath reserve, the proposed awning / balcony along the Anzac Parade frontage shall be amended to show a clearance of 2.50 metres from the outside edge of the trunks of both street trees in this location.

4. A minimum of twenty-nine (29) bicycle parking racks or other appropriate storage facilities are to be provided in the basement levels of the development.
5. The proposed illuminated "Cazzie" sign on the Anzac Parade elevation shall be amended to minimise its visual impact, details of the amended signage are to be submitted to the satisfaction of Council's Director, City Planning.

Evidence demonstrating satisfaction of the above conditions must be submitted to Council within twelve (12) months of the date of this consent.

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

Conditions of Consent

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 following plans:

Plan Number / Title	Prepared By	Dated
2006172 DA00(C)	Jackson Teece Architecture	17-10-07
2006172 DA01(B)	Jackson Teece Architecture	17-10-07
2006172 DA10(D)	Jackson Teece Architecture	17-10-07

<i>2006172 DA11(C)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA12(D)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA13(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA14(C)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA15(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA16(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA17(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA18(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA 19(D)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA20(D)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA30(C)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA31(C)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA32(C)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA33(A)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA 40(C)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA41(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA42(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA43(A)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>17-10-07</i>
<i>2006172 DA44(B)</i>	<i>Jackson Architecture</i>	<i>Teece</i>	<i>26-10-07</i>
<i>Landscape Plan</i>	<i>Michael Siu Landscape Architects Pty. Ltd.</i>		<i>18 October 2007</i>

L01/2-R12513		
Landscape Plan L02/2-R12514	Michael Siu Landscape Architects Pty. Ltd.	18 October 2007

, the application form and 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 proposed projecting wall sign of 1,200mm (width) x 7,000mm (height) in dimension and displaying "Cazzie" letterings as shown on the approved plans shall be deleted from the proposal. Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.*
3. *Nothing in this consent permits or implies the erection / installation of any business identification or advertising signage with the exception of that identified in Council's Development Control Plan for Exempt and Complying Development. The erection of any signage, which is not identified in the above development control plan will require the approval of a separate development application by Council.*
4. *A separate development application is to be submitted to, and approved by, Council for the occupation, use or fit-out of the ground floor 'Retail' units and first floor 'Restaurant' area within the subject development.*
5. *Laundry facilities, including water tap, sink and an appropriately dimensioned space for storing of a washing machine, are to be provided for each and every residential apartment unit within the development. Details demonstrating compliance with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.*
6. *A ceiling fan is to be provided in the living room area of each and every residential apartment unit within the development. Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.*
7. *Adequate security measures, such as railings, balustrades or the like, shall be installed at the western end of the access corridor and the windows and balconies of Units 3.09 and 3.10 on the third (3rd) floor level of the building, in order to prevent access to the 5m setback area fronting Anzac Parade on that level. The above setback area shall not be used as communal or private open space or recreation areas at all times. Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.*
8. *All pathways or corridors for accessing the residential storage units on the basement levels shall have a minimum clear width of 1.0m and be provided with adequate lighting. Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.*
9. *A security swipe card system or equivalent shall be installed in the residential / restaurant lift, so that public access is restricted to the Restaurant area on the first floor level, with access to the residential levels above limited to those persons possessing the required swipe card. Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to the issue of any Interim / Final Occupation*

Certificate.

10. *An intercom system is to be installed at the residential lobby for use by residential visitors.*

Public access to the visitor's car parking spaces is to be maintained at all times and where applicable, an intercom system is to be provided adjacent to the vehicular entrance to the car park, together with appropriate signage provision and instructions for use.

Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority, prior to the issue of any Interim / Final Occupation Certificate.

11. *Any gate or door openings shall be constructed so that they will not open over the footpath or a public place.*
12. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
13. *Street numbering must be provided to the development in a prominent position, to the satisfaction of Council.*
14. *Lighting to the development 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.*
15. *Interpretive materials in the form of historic photographs / drawings of the exterior and interior of the existing Castellorizian Club building or earlier premises occupied by the Club, and other material depicting the immigrant experience of the Castellorizian community shall be provided within the public areas of the new building.*

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

16. *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.*
17. *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.

18. *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)

19. *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 has been fulfilled.*

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

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

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 building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA) pursuant to 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 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.

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 persons intention to commence building works.*

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

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 section 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 clause 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,*
- *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, 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 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. *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 section, 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**.*

31. *A Fire Safety Certificate must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the*

Environmental Planning and Assessment Regulation 2000.

A single and complete Fire Safety Certificate must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the fire safety schedule attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the Fire safety Certificate.

A copy of the fire safety certificate must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

32. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate and an occupation certificate**, respectively.*

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

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

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

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

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

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

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

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

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

37. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises (including the Council if bounding a public place) and details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.***
38. *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 condition is applied to provide adequate security against damage to Council's infrastructure:

39. *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:*

\$2000.00 - Damage / Civil Works Security Deposit

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

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

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

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

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

40. *The vehicular access, basement one car park and basement two car park (including, but not limited to, the ramp grades, car park layout and height clearances) are to be in accordance with the requirements of AS2890.1: 2004. The Construction Certificate plans must demonstrate compliance with this requirement, particular attention is to be given to the design gradients along the proposed internal ramps.*
41. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a. Construct full width heavy duty vehicular crossings in Middle Lane*

- opposite the vehicular entry/exit points for the site and the proposed Loading Dock.*
- b. Remove any redundant vehicular crossings and to reinstate the area to Council's specification*
 - c. Remove the existing kerb and gutter in Middle Lane for the full site frontage excluding that part of the kerb and gutter fronting units G.01 and G.02.*
 - d. Construct new kerb and gutter for the full site frontage except opposite the vehicular entry and exit points and the area in front of units G.01 and G.02. Note: the new kerb and gutter shall be constructed approximately 600mm to the west of the current kerb and gutter.*
 - e. Carry out a full depth, minimum 3.0 metre wide, road construction in front of the new/reconstructed kerb and gutter in Middle Lane.*
 - f. Construct a footpath along the full Middle Lane site frontage, except opposite the vehicular entry and exit points. Any footpath construction works shall use materials that are in accordance with Council's Urban Design Guidelines for Kingsford.*
 - g. Reconstruct the footpath along the full Anzac Parade site frontage. The footpath reconstruction works shall use materials that are in accordance with Council's Urban Design Guidelines for Kingsford and shall be designed with a general crossfall of 2.5% rising from the existing top of kerb to the property alignment.*
- 42. 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.*
- 43. All external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*
- 44. All walls adjacent to the vehicular exit should be splayed 1.5 metres by 1.5 metres, and/or lowered to a maximum height of 600mm above the internal driveway and/or suitably setback from the street alignment such that the driver of an exiting vehicle stopped two metres behind the boundary line could observe pedestrians up to two metres away from the exit crossing. Details are to be submitted to the Certifying Authority prior to release of the construction certificate showing compliance with this condition. As an alternative to the above the applicant would be required to submit for approval, and have approved by the Certifying Authority, a traffic management plan aimed at minimising the potential for vehicle/pedestrian conflict at the main exit driveway and the loading dock exit point. The traffic management plan would need to be approved prior to release of the construction certificate and the applicant would be required to meet all costs associated with implementation of the plan including installation of any traffic/pedestrian control devices.*
- 45. Prior to the issuing of an occupation certificate the applicant shall dedicate a strip of land 1.2 metres wide along the Middle Lane site frontage, except for the area in front of units G.01, G.02 and the small portion of the site immediately north of unit G.01. This dedication is required for road widening of Middle Lane.*
- 46. Prior to the issuing of an occupation certificate the applicant shall dedicate a strip of land 0.6 metres wide along that part of the Middle Lane site frontage in front of units G.01, G.02 and the small portion of the site immediately north of*

unit G.01. This dedication is required for road widening of Middle Lane.

47. *Prior to the issuing of an occupation certificate the applicant shall dedicate a 1.5 metre by 1.5 metre splay corner at the north-east corner of the development site, (intersection of Middle Lane and Middle Street).*
48. *The applicant shall meet the full cost for "No Stopping" restrictions to be installed in Middle Lane along the Middle Lane site frontage to Council's satisfaction.*
49. *Unimpeded access to commercial/club component of the carpark must be provided during business/operational hours (i.e. any proposed security shutter must remain open to allow access to commercial/club spaces during hours of operation; or alternatively, an intercom system is in place to allow access to those parking spaces).*
50. *Any security roller shutter proposed for the ground floor vehicular entry/exit point or loading bay must be suitably located such that operation of the shutters, or any keypads associated with the shutters, will not impact on the through movement of traffic within Middle Lane, (i.e. vehicles queuing whilst waiting for shutters to open should not impede through vehicle movements). The Construction Certificate application must demonstrate compliance with this requirement.*
51. *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.

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.

52. *A Works Zone is to be provided for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and the Roads and Traffic Authority (RTA) 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.

53. *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.

54. *The minimum clear distance from the existing footpath in Anzac Parade to the underside of any proposed awning shall be 3.00 metres or as otherwise*

specified by the Roads and Traffic Authority. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

55. *Upon completion of the construction of the awning, certification of the structural adequacy of any awning must be provided to the Council.*

The following conditions are applied to ensure all works within/above Council's/RTA's road reserve are undertaken in accordance with the appropriate legislation and to Council's/RTA's satisfaction:

56. *Consent under section 138 of the Roads Act 1993 shall be obtained from the RTA for erection of the balcony over the Anzac Parade footpath. The Section 138 consent shall be obtained prior to the commencement of any works in the Anzac Parade road reserve.*

A copy of the Section 138 consent shall be forwarded to the certifying authority prior to works commencing in the road reserve.

57. *All works on the balcony along the Anzac Parade site frontage shall be undertaken by a Council approved contractor. The contractor engaged to undertake the works must hold full public liability in relation to any claims sustained as a result of the works.*

The contractor must keep a policy of public risk insurance with respect to the works on Council property. The limit of public risk shall be not less than \$20,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the proposed balcony area or the public footway directly beneath the balcony or the area of the proposed new stairs.*
- b. *The policy must name the Council as the owner and the contractors undertaking the work as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.*
- c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be submitted to Council prior to the commencement of work on Council property.*
58. *A minimum 2 metre wide unimpeded pedestrian footway shall be maintained along the Anzac Parade site frontage at all times during the construction works.*
59. *Prior to erecting any scaffolding/formwork to facilitate works on the balcony structure, the applicant shall obtain an A-class hoarding permit. The applicant is advised to contact Council's Building Certification Unit (9399 0878) regarding this matter.*
60. *The balcony in Anzac Parade shall be designed to ensure that stormwater runoff from the balcony is directed back into the site stormwater system.*
61. *Prior to the issue of an occupation certificate, the applicant shall enter into a formal lease agreement with Council for use of the balcony located over the footpath (in public airspace). All costs associated with the rental evaluation, ongoing lease fees, lease preparation and legal costs incurred by the lessor (and lessee) shall be covered by the lessee. It is noted that the lease must be*

approved by the Department of Planning in accordance with Section 149 of the Roads Act 1993.

The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal lease agreement.

62. *Prior to an occupation certificate being issued for the development, a positive covenant under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-*

- *The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the balcony located over the public footway along the Anzac Parade site frontage, with all works being undertaken to the satisfaction of Council. The area shall be maintained in a clean, tidy and safe condition at all times;*
- *The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims, demands, writs etc. sustained as a result of the balconies and stairs located over the public footway along the Alison Road site frontage;*
- *The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the balcony along the Anzac Parade site frontage. The limit of public risk shall be not less than \$20,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.*

NOTES:

The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the balcony area or the public footway beneath the balcony.

The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.

The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the registered proprietors of the Lot(s) burdened to the Council.

- *The registered proprietors of the Lot(s) burdened to ensure that no structures are erected, nor goods stored, nor any work carried out in, on or over the public footway other than those approved by Council and the RTA.*
- *The registered proprietors of the Lot(s) burdened to meet the full cost for the balcony located over Council's footpath to be removed (and the area reinstated to the satisfaction of Council), if either:-*
 - (a) *The duration of the lease agreement (for use of public airspace) expires and a new lease is not entered into; or*
 - (b) *The lessee fails to comply with the terms of the lease agreement and/or Council determines that the balcony is posing a safety hazard.*
- *The positive covenant must not be released, varied or modified without the consent of the Council.*

- *The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the positive covenant shall be met by the applicant.*
63. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

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

64. *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 boundaries for driveways, access ramps and pathways or the like, shall be:*

Middle Lane frontage south of unit G.02, (i.e. frontage the subject of 1.2 metre wide dedication for road widening).

- *Generally 75mm above the existing centreline of the laneway opposite at all points along the subject section of the site frontage.*

Middle Lane site frontage in front of Units G.01 and G.02, (i.e. frontage the subject of 0.6 metre wide dedication for road widening).

- *Generally 20mm above the existing top of kerb opposite at all points along the subject section of the site frontage.*

Anzac Parade

- *Generally 2.5% above the top of kerb opposite at all points along the Anzac Parade site frontage. Note: the issued alignment level for Anzac parade will require reconstruction of the footpath in Anzac Parade.*

The applicant must contact Council's Development Engineer (9399 0924) to discuss the issued alignment levels prior to lodgement of the construction certificate application.

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

65. *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.*
66. *The above alignment levels from the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1408.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Anzac Parade. This amount is to be paid prior to a construction certificate being issued for the development.*

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

67. *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.*

68. *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.*
69. *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.*
70. *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.*
71. *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.*
72. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

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

73. *The floor level of all habitable and storage areas with frontage to Anzac Parade, (and/or entry/exit points on Anzac Parade), must be at a minimum of 200mm above the level of the existing footpath in Anzac Parade, (at the property alignment), at all points along the Anzac Parade frontage, (or suitably waterproofed up to this same level). The Construction Certificate plans must demonstrate compliance with this requirement. The applicant must contact Council's Development Engineer Coordinator to discuss this requirement prior to lodging the Construction Certificate Application.*
74. *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.

75. *Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e.. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
76. *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.*
77. *All site stormwater must be discharged (by gravity) to the underground drainage system in Anzac Parade via a new and/or existing kerb inlet pit.*

Notes:

- a. *All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.*

b. *With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.*

78. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum have to be a minimum of 2.0 metres below the base of the tank.

79. *The post development stormwater discharge into the drainage system in Anzac Parade must not exceed the predevelopment discharge. The applicant must contact Council's Development Engineer Coordinator to discuss this RTA' requirement prior to undertaking the stormwater drainage design for the development site.*

80. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.*

Should no formal overland escape route be provided for storms greater than the design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

81. *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.*

82. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*

83. *Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.*

84. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*

a) *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)*

b) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*

- c) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

85. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.

86. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

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

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

88. A reflux valve shall be provided (within the site) over any pipelines discharging from the site into the underground drainage system to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.

89. 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.

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

- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.

- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:

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

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

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

Notes:

- The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*
 - If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
 - The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.*
92. *Three covered car washing bays shall be provided for this development.*
- The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.*
 - The car washing bays must be located outside any required/approved stormwater detention system.*
 - The car washing bays may be located within the visitor parking spaces provided they are signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*
 - A water tap shall be located adjacent to the car washing bay/s.*
93. *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).*

94. *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.*

95. ***As the subject site may be present within a fluctuating water table, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.***

Notes:-

a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.

b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

96. *As the subject site may be present within a fluctuating water table, a report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:*

- The proposed method of shoring/piling and dewatering.*
- The zone of influence of any possible settlement.*
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.*
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises).*
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.*
- The location of all pumping equipment in relation to the property boundaries.*
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.*

- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

97. *If any temporary dewatering of the site is required to facilitate construction of any part of the lower basement carpark a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.*

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

98. *The residential garbage room area on the ground floor must be designed to contain a minimum of 30 x 240 litre bins (15 garbage bins & 15 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
99. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
100. *The waste storage areas shall be clearly signposted.*
101. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site. The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.*

The on-going management of waste shall be in general compliance with the waste management plan submitted with the development application (plan dated October 2007 and received by Council 24/10/07), however, as a minimum, the following additional details must be provided:

- *Details of the proposed method for transferring residential waste bins from the lift area on the basement one level to the proposed residential garbage recycling room on the ground floor, (in particular the proposed method for transferring bins up the steep ramp connecting the basement one level and the ground floor).*
- *Details of the proposed method for transferring residential waste bins from the proposed residential garbage recycling room on the ground floor to the loading bay. In particular the Waste Management Plan must identify the designated short term holding area for these bins prior to collection.*

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

102. *The Landscape Plans by Michael Siu Landscape Architects Pty Ltd, sheets 1-2, drawing numbers L01/2-R12513 & L02/2-R12514, dated 18th October 2007, shall be amended to include the following requirements, which shall be submitted to, and be approved by, the Principal Certifying Authority (PCA), prior to the issue of a construction certificate, with a copy of the approved plan to be forwarded to Council if Council is not engaged as the PCA for the site:*
- a. *Size and location of the two existing street trees on the Anzac Parade frontage, shown as being retained.*
 - b. *Selection of a wider variety of tree species within the raised planter proposed along the northern edge of the second floor, in order to facilitate reasonable levels of solar access to these areas of private open space.*
 - c. *The awning proposed along the Anzac Parade frontage shall be amended to show a clearance of 2.50 metres from the outside edge of the trunks of both street trees in this area.*
 - 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. *To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas, with the applicant required to demonstrate that the system will be connected to the site's rainwater tanks, with back-up connection to the mains supply, to all current Sydney Water requirements.*
 - f. *Any substation required shall be suitably screened from view, with the proposed location, elevation and screening method to be shown.*
 - g. *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 for the establishment of landscaping.*
103. *Documentary evidence is to be obtained from a qualified Landscape Architect, and submitted to the Principal Certifying Authority (PCA), and Council, if Council is not the PCA, prior to the issue of a final occupation certificate, which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions.*
104. *The applicant shall meet all costs associated with the upgrading of the Anzac Parade site frontage in accordance with Council's Urban Design Guidelines for the Kingsford Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.*

A detailed streetscape plan for the Anzac Parade frontage showing proposed paving design, street furniture, grades, finished levels, extent and location of awnings, doors/entranceways, and any other relevant details required by Council's Landscape Architect shall be submitted to, and be approved by, Council's Director of City Services, prior to the commencement of any civil works external to the site.

The applicant will be required to contact and liaise with Council's Project Co-ordinator on 9399-0934, prior to the preparation of the streetscape plans in

order to obtain more detailed, site specific landscape design requirements from the relevant departments of Council.

Following approval of the streetscape plan, and prior to the commencement of these streetscape works, the applicant shall liaise with Council's Pre-paid Works Designer on 9399-0922, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works shall be completed to the satisfaction of Council's Landscape Architect and Pre-paid Works Designer, prior to the issue of a final occupation certificate.

105. *Approval is granted for the removal of the following trees in order to accommodate the proposed works as shown, subject to implementation of the approved landscape plan:*

- a) *Two Syagrus romanzoffianum (Cocos Palms) and one Morus nigra (Mulberry Tree) within the small raised planters against the front (western) edge of the existing building due to their insignificance and inappropriate location;*
- b) *The row of three Robinia pseudoacacia 'Frisia' (Golden False Acacias) at the rear of the site, along the western edge of the existing carpark, adjacent to the right of way;*
- c) *Another row of four Robinia pseudoacacia 'Frisia' (Golden False Acacia) along the eastern boundary, near the southeast corner of the site.*

106. *In order to ensure the retention of the two Platanus x hybrida (London Plane Trees) located within Council's Anzac Parade footpath, as well as the single Platanus x hybrida (London Plane Tree) located within the triangular shaped garden bed at the corner of Middle Street and Middle Lane in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of these specimens with the positions of their trunks and full diameter of their canopies clearly shown.*
- 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 beneath the extent of the driplines of any of these trees.*
- c. *The applicant is not authorised to perform any works to these trees. Should pruning or any other works appear necessary in order to avoid damage to these trees during the course of the works, the applicant shall contact Council's Landscape Development Officer on 9399-0613 to arrange a joint inspection to determine the appropriateness of any such request.*
- d. *The applicant shall comply with Council's instructions relating to these trees, with any works to be performed only by Council or Council's authorised agents, at the applicant's costs, with the amount specified to be paid into the Tree Amenity Income account no 4001.768401 at the Cashier on the Ground Floor of the Administrative Centre prior to the issue of a final occupation certificate.*
- e. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of \$6,480.00 shall be lodged with Council prior to issue of a construction certificate to ensure the preservation of*

the street trees in accordance with the requirements described in this condition.

QUANTITY	SPECIES	AMOUNT
Three	Platanus x hybrida (London Plane Trees)	\$6,480.00
	TOTAL	\$6,480.00

The refundable deposit will be eligible for release following issue of the final occupation certificate, pending a satisfactory inspection by Council's Landscape Development Officer, who can be contacted on 9399-0613.

Any contravention of Council's conditions relating to these street trees throughout the course of the works may result in Council claiming all or part of the lodged security.

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:

107. *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.

108. *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).

- 109. 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.

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

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

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

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

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

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

113. *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) *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.*
- b) *Building materials, sand, soil, waste materials, construction equipment or other materials or articles 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.*
- c) *Bulk bins, waste containers or other articles 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 or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.*
- d) *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.*
- e) *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.*
- f) *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.*
- g) *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.*

114. **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.

115. *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.*

116. *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 Site Management Plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

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

Stockpiles of soil, sand, aggregate or other materials must not be located on

any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

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

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

117. *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.

118. *Except where otherwise provided in this consent, a 'B Class' overhead type hoarding is to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise: -*

- any works or hoisting of materials over a public footway or adjoining premises, or*
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.*

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 hoardings, site fencing 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.

119. *The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):*

- *Australian Standard 2601 (2001) – Demolition of Structures*
- *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 – Guidelines and Codes of Practice*
- *Randwick City Council's Asbestos Policy*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*

120. *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), not less than two (2) working days before commencing any demolition works. A copy must also be maintained on site and be made available to Council officers upon request.

121. *Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:*

a) *Randwick City Council's 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.

b) *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.

- c) On 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.*
- d) 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.*
- e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. 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 requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.*

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

- 122. Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 & AS2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

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

- 123. 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 Climate Change (formerly EPA) and the NSW Department of Planning, 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 environmental consultant and a written statement is to be provided to the Council by the independent environmental consultant prior to the commencement of such works, which confirms their approval of the amended remediation action plan / works.*
- d) *The Environmental Consultant, 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 Department of Environment and Climate Change / 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 Environmental Consultant 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 the 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.*

124. A Validation Report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of the remedial works, and prior to commencing any building works. The Validation report shall be prepared in accordance with relevant NSW Department of Environment and Conservation guidelines, including the guideline "Consultants Reporting on Contaminated Sites", and shall include:

- Description and documentation of all works performed.*
- Results of validation testing and monitoring.*
- Validation results of any imported fill onto the site.*
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied.*
- Confirmation and justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants*

125. A Site (Demolition) Management Plan must be developed by a suitably qualified environmental consultant, prior to commencing site works, to ensure that contaminants do not result in a public nuisance or affect the health and safety of the community and satisfy the relevant conditions of development consent.

The Site (Demolition) Management Plan is to be reviewed and acceptable to the Site Auditor and a copy of the plan and the Site Auditors concurrence is to be forwarded to Council.

Implementation of the Site (Demolition) Management Plan must be monitored by a suitably qualified environmental consultant and a copy of the monitoring program and results are to be forwarded to Council.

Site (Demolition) Management Plan shall include (but need not be limited to) the following measures:

- 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, and*
- *details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.*

126. *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 contract 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.

127. *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change, 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).*

128. *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).*

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:

129. *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).

130. *The L10 noise level emitted from the licensed premises shall not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.*

The LA10 noise level emitted from the licensed premises shall not exceed the

background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

131. *The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty manager is to contact the complainant within 48 hours to confirm details of action taken.*

Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.

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

133. *The acoustic report titled "Castellorizian Club Redevelopment, 440-448 Anzac Parade Kingsford, Environmental Noise Impact Assessment, dated 1 November 2007, Report reference 2007499/2607A/R5/SL" and the recommendations contained within form part of this consent and are to be complied with.*

134. *A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval.*

135. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to any 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.*

136. *The use of the outdoor terrace to the club area is restricted to between the hours of:-*

Monday to Sunday from 7.00 am to 12.00 midnight. *In this regard, the outdoor terrace shall be vacated prior to midnight.*

137. *There shall be no amplified loudspeakers to be used on any outdoor balcony.*

138. *No delivery, garbage collection, loading and unloading activities associated with the club premises are to take place between the hours of 10pm and 6am on any day.*

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:

139. A separate development application is required to be submitted to and approved by Council for the use of the premises as a Place of Public Entertainment prior to commencing any public entertainment. The plans accompanying the application must identify the location of the public entertainment areas (in colour), location of exit stairways, exit doors, dimensions of exits, floor areas, seating/table arrangements, stage areas and location of each of the essential fire safety measures. The application must also indicate the type of entertainment to be provided, days of public entertainment (e.g. Fridays & Saturdays), the maximum number of proposed patrons and the number of staff.
140. 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.

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

141. The club premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.
142. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

143. 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.**
144. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
145. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
146. The design and construction of food premises must comply with the following

requirements, as applicable: -

- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
- *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
- *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
- *The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
- *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous **cement sheeting, plasterboard or other approved material**) and finished to a **smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.***
- *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
- *All stoves, refrigerators, 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 or the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
- *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
- *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*

- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*
147. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.*
148. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
149. *Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.*

The following conditions are applied to satisfy the requirements of the Roads and Traffic Authority (RTA) under the Roads Act 1993:

150. *The balcony structure is to be setback a minimum of 600mm from the kerb of Anzac Parade to guard against the overhang of vehicles. The Construction Certificate application must demonstrate compliance with this requirement.*
151. *The minimum head height of the balcony structure is to be 2.7 metres above the existing footpath level. The Construction Certificate application must demonstrate compliance with this requirement.*
152. *Driver sight lines to traffic signals and road signs are not to be hindered by the balcony structure.*
153. *A qualified structural engineer should certify that the balcony structure is self supporting. Such certification must be provided prior to the issuing of a Construction Certificate. Upon completion of the construction of the balcony, certification of the structural adequacy of the balcony must be provided to the Council.*
154. *The Applicant should provide proof of current liability and indemnity insurance to \$20 million to the Council, prior to the issuing of a construction certificate. The insurer is to be extended to include the RTA being indemnified against any action that could result in litigation following any accident involving an errant motor vehicle colliding with the structure.*
155. *Any traffic control during construction must be carried out by accredited RTA*

approved traffic controllers.

156. All vehicles are to enter and exit the site in a forward direction both during construction and in completion (with the exception of vehicles using the proposed loading bays).
157. All loading and unloading activities must be carried out within the property.
158. Any works associated with this development shall be at no cost to the RTA.

The following condition is applied to meet additional demands for public facilities:

159. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council:

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	-----	0.5%	-----
Development cost more than \$200,000	\$17,197,552.9	1.0%	\$171,975.5

The levy must be paid in cash, bank cheque or by credit card prior to

- a) a construction certificate being issued
- b) a subdivision certificate being issued

for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

ADVISORY MATTERS:

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

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

2. The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this

regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

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

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

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

8.5 DIRECTOR, CITY PLANNING REPORT 105/2007 - RANDWICK CITY RECREATION NEEDS STUDY – CONSIDERATION OF DRAFT STUDY. (F2006/00266)

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

- a) Council agree to the public exhibition of the draft Recreation Needs Study;
- b) attachment 7 "Draft Facility Development and Maintenance Policy" be amended as follows:

Additional Point:

Council will negotiate with the State Government for the use of Crown Land, when existing leases are concluded, for a variety of active uses commensurate with the current and future sporting needs of the community; and

- c) amending item vii by adding an extra point:

Council will not support residential use on surplus bowling green sites.

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

8.6 DIRECTOR, CITY PLANNING REPORT 106/2007 - PROPOSED COOGEE LICENSED PREMISES SOCIAL IMPACT ASSESSMENT UPDATE. (F2004/07767)

356 **RESOLUTION: (Belleli/Andrews) that Council:**

- a) endorse a further twelve month delay to the SIA process and a report be brought back to Council with a recommendation whether or not to commence the process in November 2008; and
- b) advise CRED Community Planning and the Residents' Committee accordingly.

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

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 46/2007 - SEPTEMBER 2007 QUARTERLY REVIEW - MANAGEMENT PLAN 2007-11. (F2007/00140)

357 **RESOLUTION: (Belleli/Andrews) that the information contained in the September 2007 Quarterly Review of the 2007-11 Management Plan be received and noted.**

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

9.2 GENERAL MANAGER'S REPORT 47/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/06336)

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

- a) *Peter Sleiman Property Investments Pty Ltd & Nabil Sleiman Property Investments Pty Ltd in relation to an airspace lease over the balconies located at 186 Arden Street, Coogee.*
- b) *Learning Links in relation to a lease over the premises at 1/20 Silver Street, Randwick.*

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

9.3 GENERAL MANAGER'S REPORT 48/2007 - CONTROLS FOR THE CONSUMPTION OF ALCOHOL AT JACK VANNY MEMORIAL PARK, ARTHUR BYRNE RESERVE AND MAROUBRA BEACH. (F2004/07501)

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

- a) *Council erect notices, in accordance with the relevant standards and guidelines, which prohibit the consumption of alcohol between sunset and sunrise at Arthur Byrne Reserve and Jack Vanny Memorial Park, Maroubra;*
- b) *Council erect notices, in accordance with the relevant standards and guidelines, which prohibit the consumption of alcohol on Maroubra Beach; and*
- c) *the General Manager advise the Eastern Beaches Premier's Crime Prevention Partnership of Council's determination of this matter.*

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

9.4 GENERAL MANAGER'S REPORT 50/2007 - HEFFRON PARK LANDSCAPE CONCEPT PLAN - FUNDING OPTIONS. (F2006/08399)

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

- a) *Council endorse Funding Option 3Ai;*
- b) *Council note that the draft Heffron Park Plan of Management will include the details of Funding Option 3Ai and will be reported back to Council prior to public exhibition; and*
- c) *Council note that discussion with sports groups and associations and the University of New South Wales regarding funding and cooperation with grants applications will continue.*

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

10 DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 81/2007 - STATE GOVERNMENT FUNDING OF PUBLIC LIBRARIES. (F2004/08383)

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

- a) *this report be received and noted; and*

- b) *letters be sent to the NSW State Government Minister of the Arts and the local State Government Members of Parliament expressing concern over the funding situation.*

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

10.2 DIRECTOR, CITY SERVICES' REPORT 82/2007 - FIBRO FRAGMENTS (ASBESTOS ISSUE). (F2004/07462)

362 **RESOLUTION: (Belleli/Andrews)** *that the report be received and noted.*

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

10.3 DIRECTOR, CITY SERVICES' REPORT 83/2007 - RENAMING OF SAMUEL TERRY AVENUE. (F2004/07140)

363 **RESOLUTION: (Belleli/Andrews)** *that the report be received and noted.*

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

10.4 DIRECTOR, CITY SERVICES' REPORT 84/2007 - FUTURE OPTIONS FOR THE RECYCLING FACILITY. (F2004/07280)

364 **RESOLUTION: (White/Procopiadis)** *that Council:*

- a) *negotiates the sublease or terminates the lease agreement with the Sydney Port Corporation for use of the Bumborah Point Road site;*
- b) *calls for tenders for the sublease of the Bumborah Point site, if required;*
- c) *renovates Council's Recycling Centre at Perry Street to continue modified recycling and environmental education activities; and*
- d) *seeks tenders for the processing of Council's green waste.*
- e) *investigate the passive or sporting potential of the old night soil site owned by Council in Botany Road.*

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

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 72/2007 - EARLY CLOSING - CHRISTMAS/NEW YEAR 2007. (F2004/06565)

365 **RESOLUTION: (Belleli/Andrews)** *that the following arrangements for the 2007 Christmas/New Year period be noted:*

- *Monday 24 December 2007 – Council offices to close at 12 midday*
- *Monday 31 December 2007 – Council offices to close at 3.00pm.*

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

11.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 73/2007 - ARRANGEMENTS DURING CHRISTMAS/NEW YEAR PERIOD FOR DECISION MAKING & SCHEDULE OF MEETINGS FOR 2008. (F2004/06565)

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

- a) *the Council Meeting recess commence following the Ordinary meeting scheduled*

to be held on Tuesday 11 December 2007 and meetings be resumed on Tuesday 12 February 2008 (with Committee meetings being held on that night) and during the recess period Policy No. 1.01.11 (Council in Recess – Procedure) be utilised, subject to the need for any Extraordinary Meetings which may be called in extenuating circumstances;

b) that the Council in Recess – Procedure be amended to read as follows:

“The Mayor, the Chairpersons of the Planning Committee, the Administration & Finance Committee, the Community Services Committee, the Environment Committee and the Works Committee or in his or her absence (or if the Mayor is the Chairperson of the Committee) the Deputy Chairpersons and the General Manager jointly be authorised to make decisions which would otherwise be made by the Council and any such decisions are to be unanimous and circulated to Councillors for their information.”

c) the Meeting Schedule for the 2008 calendar year be adopted.

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

11.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 74/2007 - 2007/08 - BUDGET REVIEW AS AT 30 SEPTEMBER 2007. (F2006/00690)

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

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

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

11.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 75/2007 - COUNCILLORS' EXPENSES & FACILITIES POLICY. (F2005/00282 & F2004/06576)

368 **RESOLUTION: (Belleli/Andrews) that the Councillors' Expenses & Facilities Policy be adopted and submitted to the Department of Local Government in accordance with legislative requirements.**

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

11.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 76/2007 - ECONOMIC DEVELOPMENT STRATEGY. (F2007/00363)

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

- a) the report on the progress made thus far by the newly formed Economic Development Committee be received and noted; and
- b) approval be given for a link on Council's website to the website for the Eastern Suburbs Business Enterprise Centre to cater for those requiring assistance in the Randwick City business community.

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

11.6 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 77/2007 - ACCESS TO INFORMATION - POLICY, GUIDELINES & FREQUENTLY ASKED QUESTIONS. (F2004/06164 XR F2004/06104)

370 **RESOLUTION: (Belleli/Andrews)** that the policy statement, in relation to Access to Information held by Randwick City Council, be adopted.

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

11.7 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 78/2007 - COMMUNICATION THROUGH SMS. (F2007/00189)

371 **RESOLUTION: (Belleli/Andrews)** that the communication by SMS proposal be endorsed and quotes be sought to supply and implement the SMS communication system for a trial period of twelve months. At the end of the twelve month trial period a review report be provided outlining the quantity of messages sent and received, the realised benefits, and a review of messaging costs.

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

12. PETITIONS.

Nil.

13. MOTIONS PURSUANT TO NOTICE.

13.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS NASH, SENG & TRACEY – ORDINARY COUNCIL MEETING – 30 OCTOBER, 2007 – ITEM 8.3 - DIRECTOR, CITY PLANNING REPORT 90/2007 - 6 GALE ROAD, MAROUBRA – (DA/589/2007 & PROP033986)

372 **RESOLUTION: (Seng/Andrews)**

That the resolution passed at the Ordinary Council Meeting held on 30th October, 2007 reading as follows:-

that:

Council as the consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.589/07 for permission to erect a new garage at 6 Gale Road Maroubra for the following reasons;

- 1. The proposed garage does not comply with the objectives and performance requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies in that siting of the proposed garage to the front of the dwelling and up to the front and side boundaries will detract from the appearance of the dwelling and the local streetscape.*
- 2. The proposed garage does not comply with the objectives and performance requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies in that the garage will occupy more than 35% of the width of the site.*
- 3. The proposed garage does not comply with the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies in relation to Building Setbacks as it does not conform to the dominant setback along the street.*

BE AND IS HEREBY RESCINDED.

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

373 **FURTHER RESOLUTION: (Nash/Seng)** 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/589/2007 for

permission to erect a new garage to the front of the dwelling at 6 Gale Road, MAROUBRA 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 5270, drawings 01 & 02, dated 05.07 and received by Council on the 19th 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 external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
3. *There must be no encroachment of the structure onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.*
4. *The boundary wall of the garage be lowered to a maximum of 1m in height.*

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:

5. *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.

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

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

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

7. *All new building work must be carried out in accordance with the provisions of the **Building Code of Australia (BCA)**, in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
8. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***

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.

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

- i) *appoint a Principal Certifying Authority for the building work; and*
- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
- iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) *give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

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

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

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

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

*The principal contractor 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.*

11. *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”.
12. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

14. 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.*

15. 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:

16. *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.*
17. *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).*
18. *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.

19. *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.

20. *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 conditions are applied to provide adequate provisions for access, transport and infrastructure:

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

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

22. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
23. *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.*
24. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This*

amount is to be paid prior to a construction certificate being issued for the development.

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

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

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.*

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

FURTHER MOTION: (Nash/Seng) CARRIED – SEE RESOLUTION.

AMENDMENT: (Belleli/Matson) that the garage door be removed from the proposed development. **LOST.**

13.2 MOTION BY COUNCILLOR PROCOPIADIS – TRAFFIC CALMING DEVICES IN KENSINGTON ROAD, KENSINGTON. (F2004/06183 XR F2005/00171)

- 374 **RESOLUTION: (Procopiadis/Nash)** *that a report be prepared for Council by the Traffic Committee on the possible installation of traffic calming devices in Kensington Road, just south of the intersection of Kensington Road and Addison Street, Kensington as vehicles are constantly travelling at an excessive speed as they approach this intersection and many schoolchildren cross this intersection going to and from Our Lady of the Sacred Heart School as do many elderly residents attending church; such report to include speed counts.*

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

14. CONFIDENTIAL REPORTS (CLOSED SESSION).

14.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 49/2007 - CONFIDENTIAL DIRECTORS EMPLOYMENT CONTRACTS AND REMUNERATION. (F2007/00614)

375 **RESOLUTION: (Seng/Belleli) that:**

1. *The Director City Planning be offered a new five (5) year performance based contract with the terms and conditions as attached and the total remuneration package be increased to \$220,000 to come into effect on 23 November 2007;*
2. *The Director City Services be offered a new five (5) year performance based contract with the terms and conditions as attached and the total remuneration package be increased to \$220,000, to come into effect on 10 January 2008; and*
3. *The Director Governance & Financial Services be offered a new five (5) year performance based contract with the terms and conditions as attached and the total remuneration package be increased to \$220,000, to come into effect on 17 April 2008.*

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

14.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 85/2007 - RANDWICK CITY COUNCIL TOWN CENTRE UPGRADES - TENDER NO. T13/07. (F2007/00494)

376 **RESOLUTION: (Seng/Belleli) that:**

- a) *the tenderer Statewide Civil Pty Ltd be accepted for Randwick City Council T13/07 and that Council enter into a Contract under Clause 19 of the Local Government (Tendering) Regulation 1999;*
- b) *authority is granted for the General Manager, in conjunction with the Mayor, to sign and affix Councils Common Seal to enter into a contract on behalf of Council with the recommended tenderer for the Randwick City Council Town Centre Upgrades T13/07; and*
- c) *the unsuccessful tenderers will be notified of the Tender result.*

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

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr B. Notley-Smith, declared the meeting closed at 7.58 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 11TH DECEMBER, 2007.

.....
CHAIRPERSON