

**MINUTES OF PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 13TH NOVEMBER, 2007 AT 6:32 P.M.**

PRESENT:

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

- | | | |
|--------------|---|--|
| North Ward | - | Crs J. Kenny, P. Tracey & M. Woodsmith |
| South Ward | - | Crs R. Belleli & A. White |
| East Ward | - | Crs M. Matson (Deputy Chairperson)
(in the chair until 7.30 pm) & D. Sullivan
(from 6.46 pm) |
| West Ward | - | Crs B. Hughes, S. Nash (Chairperson)
(in the chair from 7.30 pm) & J. Procopiadis |
| Central Ward | - | Crs A. Andrews, C. Bastic (from 6.40 pm)
& T. Seng |

OFFICERS PRESENT:

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

1. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

An apology was received from Cr Daley.

RESOLVED: (Andrews/Hughes) that the apology from Cr Daley for non-attendance at the Planning Committee Meeting of the Council held on Tuesday, 13th November, 2007 be received & accepted.

2. CONFIRMATION OF THE MINUTES.

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY, 9TH OCTOBER, 2007.**

H88 **RESOLUTION: (Belleli/Procopiadis)** that the Minutes of the Meeting of the Planning Committee held on Tuesday, 9th 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.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Tracey declared a non pecuniary interest in item 6.4 as his daughter practices Chinese medicine.
- (b) Cr Belleli declared a non pecuniary interest in item 6.1 and will not be voting on the item as one of the objectors was a running partner of the councillor in the last council election.

- (c) Cr Nash declared a pecuniary interest in item 6.1 and will not be voting on the item as his grandparents are objectors to the application.

4. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

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

Item 6.1 **DIRECTOR, CITY PLANNING REPORT 100/2007 -
51-53 ENDEAVOUR AVENUE, LA PEROUSE. (DEFERRED)**

The Objector Mr David Anderson

The Applicant Mr Anthony Betros

Item 6.3 **DEVELOPMENT APPLICATION REPORT –
23 HANNAN STREET, MAROUBRA.**

The Objector Mr Carmine Rosiello

The Applicant Mr Frank Blake

The meeting was adjourned at 7.15 p.m. and was resumed at 7.28 p.m.

5. URGENT BUSINESS.

Nil.

6. DEVELOPMENT APPLICATIONS.

6.1 **DIRECTOR, CITY PLANNING REPORT 100/2007 - 51-53 ENDEAVOUR
AVENUE, LA PEROUSE. (DA/418/2006 & PROP026508)**

H89 **RESOLUTION: (Andrews/White) that:**

- A. *Council support the objection under State Environmental Planning Policy No. 1 to vary the provisions of Clause 33(5) of the Randwick Local Environmental Plan 1998 (as amended) relating to building height for Development Application No. DA 418/2006 on the grounds that the proposed development complies with the objectives of clause and will not adversely affect the amenity of the surrounding locality, and that Department of Planning be advised accordingly.*

AND

- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 418/2006 to carry out alterations and additions to the existing mixed use building comprising an addition of third storey containing additional residential dwelling, addition of lift shaft, rear stairwell and reduction in ceiling heights of the existing dwellings on first floor level at 51-53 Endeavour Avenue, La Perouse, subject to the following conditions:*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the amended plans numbered DA00, DA01E to DA12E, dated 28 September 2007 and received by Council on 28 September 2007, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *Privacy screens having a minimum height of 1.8m are to be provided to the eastern and north-eastern edge of the proposed upper level terrace area and the screens shall be constructed of obscured glazing to maintain reasonable levels of privacy to the subject and adjoining properties. Details of compliance are to be provided in the construction certificate plans.*
3. *The existing ground floor car park must incorporate the provision of one (1) car parking space for the new residential dwelling at the second floor level.*
4. *The car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes.*
5. *The proposed car space No. 8 shall be deleted as it will restrict access to and egress from space Nos. 4 to 7 when the proposed car space is occupied. Details of compliance are to be provided in the construction certificate plans.*
6. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape, to the satisfaction of Council.*

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.
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. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
9. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
10. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
11. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. The details and samples of the glass to be used are to be submitted with the colour and material schedule for the approval of Council's Director of City Planning, **prior to the commencement of works.***
12. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
13. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council's Director of City Planning has been obtained beforehand.*

14. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

15. *The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issuing an occupation certificate or subdivision certificate (whichever the sooner).

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

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

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

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

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

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

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

<i>a)</i>	<i>for the provision or improvement of open space</i>	<i>\$1,792.88</i>
<i>b)</i>	<i>for the provision or improvement of community facilities</i>	<i>\$792.72</i>
<i>c)</i>	<i>Administration fee</i>	<i>\$425.00</i>

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for the proposed development, together*

with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of safety and amenity:

Regulatory

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

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

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

22. ***Prior to the commencement of any building, 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 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**, 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 sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

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

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

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

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

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

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

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

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

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

28. *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.

Structural adequacy

29. *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.*
30. *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 the structural adequacy of the building.*

Construction site management

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

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

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

32. *In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:*

A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.

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

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.

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.

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

33. *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.

34. *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.*

35. *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.

36. *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.*
37. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
 - 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) *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.*
 - c) *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.*
 - d) *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 Building Services section.*
 - e) *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. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.*
 - f) *Public access to demolition/building works, materials and equipment on the site is to be restricted and 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.*
 - g) *Temporary fences or hoardings or the like 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.*
 - h) *The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.*
 - i) *If it is proposed to locate any hoardings, site fencing 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.

- j) 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.
- k) 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.

38. 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, 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, container or other article.

Fire safety

39. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, **prior to issuing an occupation certificate**:

- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
 - (1) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - (2) Provide emergency lighting system to the carpark, in accordance with clause E4.2 & E4.4 of the BCA,
 - (3) Provide illuminated exit signs to the carpark, in accordance with clause E4.5 & E4.7 of the BCA,
 - (4) Provide portable fire extinguisher/s within the carpark and shops, and adjacent to any internal electrical switchboard, in accordance with clause E1.6 of the BCA,
 - (5) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
 - (6) Prior to commencing the abovementioned 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.

40. All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.

41. All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.

The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

42. Upon completion of the fire safety upgrading works and **prior to the issuing of an occupation certificate**, a single, complete, **fire safety certificate** is to be submitted to Council. A copy of the fire safety certificate and fire safety schedule are to be displayed in a prominent position within the building (i.e. entrance area) and a copy must be provided to the NSW Fire Brigades, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

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

43. 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).

44. 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:

45. 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 (L_{A90}), 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 $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

46. 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.

47. A report/statement, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW

Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

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

48. *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.*

MOTION: (Hughes/Matson) that this application be deferred for further assessment of the amended design in terms of view sharing. **LOST.**

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

6.2 DEVELOPMENT APPLICATION REPORT - 1 COAST HOSPITAL ROAD, LITTLE BAY. (DA/685/2007 & PROP051762)

- H90 **RESOLUTION: (Belleli/Mayor, Cr. B. Notley-Smith)** 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/68507 for permission to construct a community centre comprising an auditorium, multi purpose area, café, basement and at grade carparking and associated site works at 1 Coast Hospital Road, Little Bay, 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:

Approved plans

1. *The development must be implemented substantially in accordance with the plans numbered DA-01 to DA-06 issue 01, dated 24/9/07 and received by Council on 26 September 2007, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are imposed to protect and promote geological and cultural heritage.

2. **Aboriginal Archaeology**
Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National parks and Wildlife Act may be required before work resumes.
3. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
4. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any*

Aboriginal cultural material is disturbed or exposed during site works.

Historical Archaeology

5. *Prior to commencement of the works site contractors are to be made aware of the possibility that historical archaeological items may survive on the site*
6. *Site contractors are to be advised of their obligations under the Heritage Act and notification procedures in the event that any cultural material such as archaeological relics is disturbed or exposed during site works.*

Geological Heritage

7. *Excavation within the possible extent of the Palaeovalley Area should not be below RL 26 unless endorsed by Randwick City Council and the NSW Heritage Office.*

Interpretation

8. *The concepts contained in the Interpretation Strategy are to be developed, and detailed design and documentation provided, consistent with the Prince Henry Site at Little Bay Interpretation Strategy prepared by MUSEcape Pty Ltd (revised in October 2005). Details of interpretation to be incorporated in building fabric and associated landscape works are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The interpretation of the site is to be implemented in conjunction with the proposed development.*

Heritage Office

9. *An application under section 60 of the NSW Heritage Act is to be submitted for approval by the heritage Office prior to work commencing.*
10. *Appropriate protection measures shall be prepared to minimise adverse impacts during and after the transplanting of the 5 identified phoenix Palms to be relocated. These shall be prepared by a qualified arborist and submitted for the approval of the Heritage Office prior to the commencement of construction.*

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

11. *The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Site Audit Statements for the relevant land must be provided to the Council prior to any building works commencing.*
12. *No infrastructure or construction works are permitted to be undertaken unless the subject land has been remediated in accordance with consent 1188/02 (as amended) and all contamination and cross contamination issues have been addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.*
13. *The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.*

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

14. *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 and Safety Act 2000 and Regulations there under.*
15. *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 immediately.*

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:

16. *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).

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

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

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

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

20. *A separate Development Application is required to be submitted to and approved by Council with regard to the fit out and operation of the food premises prior to occupancy of the café.*

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

21. *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.

22. *The building is classified as a Class 9b place of public entertainment at ground floor level and Class 7a car park at basement level.*

All 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. (Particular attention should be given to the relevant provisions of Sections D,E,F & H of the BCA.).

23. ***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.

24. ***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.*

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

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

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

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

to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

26. 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".
- a. 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.

27. 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.

28. **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.

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, 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.

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.

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

32. *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.*

33. *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**.*

34. *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**.*

35. *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:

36. *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.

37. *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).

38. *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.

39. 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**, 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.

40. 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.*

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

- a) *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.*
- b) *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.*
- c) *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.*
- d) *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 Building Services section.*

Certain waste containers (less than 3m in length) which are located in approved locations upon the road for a limited period may be exempt from approval, subject to compliance with the Roads & Traffic Authority Guidelines and Requirements, Council's Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy.

- e) *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.

- f) *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.*
- g) *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.*
- h) *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.*
- i) *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.*
42. *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.*
43. *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.

44. *During 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.*
45. *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.

46. *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.

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

- *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*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *Randwick City Council's Asbestos Policy*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Climate Change (DECC) / Environment Protection Authority (EPA).*

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.

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

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

49. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration to other premises or, result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
50. 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).

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

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

52. **Prior to the issuing of a construction certificate** for the proposed development, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- *The use of the premises and the number and size of occupancies.*
- *The type and quantity of waste to be generated by the development.*
- *Demolition and construction waste, including materials to be re-used or recycled.*
- *Details of the proposed recycling and waste disposal contractors.*
- *Waste storage facilities and equipment.*
- *Access and traffic arrangements.*
- *The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.*
- *Cleaning arrangements, hygiene, safety and amenity.*

Further details of Council's requirements and guidelines, including pro-forma

Traffic conditions/Civil Works Conditions

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

53. Prior to the issuing of an Occupation Certificate the applicant must either:
- a. meet the full cost for Council or a Council approved contractor to remove the existing vehicular crossing and construct a new full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site; OR
 - b. demonstrate to the satisfaction of Council and the Certifying Authority that the existing vehicular crossing has been constructed in accordance with the required "heavy duty" specification and in such a manner as to minimize any potential for vehicular scraping when entering / exiting the development site. This condition is required because the existing vehicular crossing does not appear to be constructed to the heavy duty specification and the gradients/changes of gradient on the crossing appear excessive.

All works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4) and the relevant sections of the approved civil works specification for the Prince Henry development site.

54. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to remove any redundant vehicular crossings and laybacks and to reinstate the area to Council's specification.
55. 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.
56. The vehicular access, ground level carparking and the basement carpark (including, but not limited to, the ramp grades, carpark 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 should be given to the design gradients along the inside edge of the proposed internal driveway.
57. The interface between the ramp down to the basement carpark area and the ramp up to the garbage, loading and deliveries area must be suitably delineated and, as a minimum, a railing must be installed. Details of the proposed treatment of the interface must be submitted with the Construction Certificate Application for approval by the Certifying Authority.
58. 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.

Alignment Level Conditions

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

59. *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:*

- **2.5% above the top of kerb at all points opposite the kerb, along the full site frontage.**

The design alignment level at the property boundary must be strictly adhered to. The applicant is advised to contact Council's Development Engineer Coordinator on 9399 0924 to discuss the alignment levels issued prior to lodging the Construction Certificate Application.

60. *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.*

Service Authority Conditions

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

61. *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.*

62. *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.*

63. *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.*

64. *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.*

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

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

The Notice must be issued to the Principal Certifying Authority prior to the

construction certificate being issued.

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

Drainage Conditions

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

66. **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/s into the **bio retention swale located along the eastern site boundary**.
 - 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.
67. 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.

68. *Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater runoff from the development site being discharged through the site's underground drainage system into the bio retention swale located along the eastern site boundary. All new pipelines discharging into the bio-retention swale must be suitably designed with a headwall and appropriate scour protection to the satisfaction of the certifying Authority.*

69. *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.

70. *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.*

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

72. *A 'V' drain is to be constructed along the perimeter of the property, where*

required, to direct all stormwater to the detention/infiltration area.

73. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) Finished site contours at 0.2 metre intervals;*
 - b) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - c) Details of any infiltration/absorption systems; and*
 - d) Details of any pumping systems installed (including wet well volumes).*
74. *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.*
75. *As the above site may encounter seepage water within the depth of the basement excavation the basement carpark or similar structures are to be suitably waterproofed. Should the development site encounter significant seepage flows the basement carpark or similar structures must be fully tanked. A Structural Engineer\Geotechnical Engineer shall certify that the tanking and/or waterproofing have 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 or into the bio retention swale and is not to be discharged to Council's kerb & gutter.*
- b) If significant seepage flows are encountered adequate provision is to be made for the seepage water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the seepage water through the development site). Minor seepage flows can be collected by a suitably designed subsoil drainage system and discharged into the bio retention swale.*

Waste Management Conditions

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

76. *The garbage room area must be designed so as to be able to contain a minimum total of 12 x 240 litre bins (minimum 6 garbage bins & 6 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.*
77. *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. The waste storage areas shall be clearly signposted.*
78. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste*

Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

Landscape Conditions

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

79. *Detailed landscape drawings and specifications which have been prepared in accordance with the landscaping performance criteria and controls for Precinct 5, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004, shall be submitted to, and be approved by the certifying authority, **prior to a construction certificate being issued. A copy of the approved plan shall be forwarded to Council if Council is not the certifier for the site.***

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.*

Note: All species proposed for the landscaped areas shall be selected from the list of suitable native species provided in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*

- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - h. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - i. *Location of easements within the site and upon adjacent sites (if any).*
80. *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.

81. *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.

82. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
83. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
84. *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.*

ADVISORY MATTERS:

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

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

- a) *Part B1 - Structural provisions*

- b) Part D3 - Access for people with disabilities
- c) Part E1 - Fire fighting equipment
- d) Part E2 - Smoke Hazard Management
- e) Part E4 - Emergency lighting, exit signs & warning systems
- f) Part F1 - Damp and weatherproofing
- g) Part F4 - Light and ventilation, in particular, the car park
- h) Section H - Special Use Buildings
- i) 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.

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

6.3 DEVELOPMENT APPLICATION REPORT - 23 HANNAN STREET, MAROUBRA. (DA/1032/2002/D & PROP040511)

H91 **RESOLUTION: (Andrews/White) that:**

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1032/2002 to Amend Condition No. 2 to remove the need to render both sides of the rear boundary wall at 23 Hannan Street, Maroubra for the following reason:*

1. *The proposal will detract from the visual amenity of the adjoining property at No. 90 Storey Street.*

MOTION: (Bastic/Seng) that Council as the responsible authority grant development consent to Development Application No. 1032/2002 to Amend Condition No. 2 to remove the need to render both sides of the rear boundary wall at 23 Hannan Street, Maroubra. LOST.

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

6.4 DEVELOPMENT APPLICATION REPORT - 775 ANZAC PARADE, MAROUBRA. (DA/371/2007 & PROP012933)

H92 **RESOLUTION: (Andrews/Matson)** that Council as the consent authority refuses development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/371/2007 for the change of use and fit-out of the existing basement level shop to a natural therapy and reflexology centre with hours of operation 10.00am to 7.30pm daily at 775 Anzac Parade, Maroubra for the following reasons:

1. *The application is not a bona fide application in that the proponents have not demonstrated to Council that the premises will be operated without the provision of any sexual services;*
2. *The exact nature of the natural therapy services to be provided have not been adequately detailed nor are the qualifications of the employees that have been provided demonstrate that the premises will be used for a legitimate purpose;*
3. *The applicant has not provided adequate details of the advertising signage for the premises and the premises is currently advertised in the local newspaper in the Adult Services section which is further evidence that sexual services are intended to be provided; and*
4. *The proposal is not in the public interest.*

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

6.5 DEVELOPMENT APPLICATION REPORT - 6 MOORAMIE AVENUE, KENSINGTON. (DA/937/2005/A & PROP022042)

H93 **RESOLUTION: (Andrews/Matson)** that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.DA/937/2005/A for modification of the approved development by altering the first floor building line, new openings in southern elevation, alteration to fencing, relocating the rear BBQ area, altering the openings at ground floor, internal alterations, addition of a rear ground floor pergola, alterations to slab levels, alteration to facade, re-tiling of roof and alteration to drainage at 6 Mooramie Avenue, Kensington in the following manner:

Amend Condition No. 1 to read:

*The development must be implemented substantially in accordance with the plans numbered DA03, DA04, DA06, DA07, DA08, DA09 and DA10, dated September 2005 and received by Council on 6 March 2006, the application form and on any supporting information received with the application, as amended by the **Section 96 plans drawn by Tobias Partners Pty Ltd, numbered 03, 04, 06, 07, 08 and 09, marked revision E, dated September 2007 and the plan numbered 05, marked revision B, dated September 2007, all received by Council on 18 September 2007, only in so far as they relate to the modifications clouded on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans.***

Add following conditions:

45. *The area to the first floor denoted on the plans as "Roof/Attic Storage" shall not be used as a habitable area and shall only be used as storage area.*
46. *The path area along the southern side of the site denoted on the plan numbered 03, marked revision E and stamped received by Council on 18 September 2007 as "New paving to existing side pathway" shall be constructed of permeable pavers that allow the infiltration of water into the substrate.*
47. *The louvered screen to the rear first floor bathroom shall be constructed in*

accordance with the detailed section diagrams drawn by Tobias Partners Pty Ltd received by Council on 25 October 2007.

Alignment Level Conditions

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

48. *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.*

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

49. *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.*

50. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Drainage Conditions

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

51. *Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*

52. *Stormwater runoff from the site shall be discharged either:*

- a. *To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR*
- b. *Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR*
- c. *To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.*

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

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

53. *Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.*
54. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*
- The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.*
55. *All pumps out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

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

7. MISCELLANEOUS.

7.1 GENERAL MANAGER'S REPORT 45/2007 - MALABAR HEADLAND RENEWAL OF LICENCE TO SHOOTERS. (F2004/06759)

H94 **RESOLUTION: (White/Procopiadis) that:**

- (a) *the report be received and noted; and*
- (b) *Council request a copy of facility management plan number 2 from the Department of Finance & Administration and, if not forthcoming, lodge an FOI application immediately to obtain it.*

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

7.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 71/2007 - DEVELOPMENT APPLICATIONS FOR OFF STREET RESIDENTIAL CARPARKING SPACES. (F2005/00302)

H95 **RESOLUTION: (Woodsmith/Matson) that:**

- a) *Council's Code of Meeting Practice be amended immediately to include the following clause:*
- "Councillors resolve not to use call up powers for a development application on the sole basis of a residential car parking space where the space does not comply with Australian Standard AS 2890.1 Parking Facilities or has a length of at least 5 metres, whichever is lesser"; and*
- b) *the Development Application for 186 Paine Street, Maroubra be dealt with by staff under delegated authority.*

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

8. CONFIDENTIAL ITEMS.

Nil.

9. NOTICES OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.08 p.m.

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CHAIRPERSON