



**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL
OF THE CITY OF RANDWICK HELD ON TUESDAY, 2 DECEMBER
2008 AT 6.55PM**

Present:

The Mayor, Councillor B Notley-Smith (East Ward)

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| North Ward | - Councillors K Smith, P Tracey & M Woodsmith |
| South Ward | - Councillors R Belleli, C Matthews & A White |
| East Ward | - Councillors T Bowen & M Matson (Deputy Chairperson) |
| West Ward | - Councillors B Hughes, S Nash (Chairperson) & J Procopiadis |
| Central Ward | - Councillors A Andrews & T Seng (arrived 7.45pm) & G Stevenson |

Officers present:

General Manager	Mr R Brownlee
Acting Director City Services	Mr M Shaw
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr G Banting
Manager Development Assessment	Mr K Kyriacou
Senior Administration Coordinator	Ms J Hartshorn
Media Officer	Ms A Power

The Chairperson (Councillor Nash) opened the meeting at 6.55pm and immediately adjourned the meeting, to enable the business of the Community Service Committee to be dealt with.

The meeting was resumed again at 7.00pm

Apologies/Granting of Leave of Absences

An apology was received from Councillor Seng (for late arrival).

RESOLVED: (Notley-Smith/Hughes) that the apology received from Councillor Seng (for late arrival at the meeting) be accepted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 11 NOVEMBER 2008**

RESOLUTION: (Notley-Smith/Belleli) that the Minutes of the Planning Committee Meeting held on Tuesday 11 November 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of

that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

Cr Andrews declared a non-significant non-pecuniary interest in Item D55/08 (603-611 Anzac Parade, Kingsford) as his parents live in Snape Street, but near the Bunnerong Road end.

Cr Hughes declared a non-significant non-pecuniary interest in:

- Item D52/08 (55 Dudley Street, Coogee) as he knows one of the objectors; and
- Item D61/08 (87 St Marks Road, Randwick) as one of the objectors helped with the Greens 2008 election campaign.

Cr Matthews declared a non-significant non-pecuniary interest in:

- Item D53/08 (81-85 Frenchmans Road, Randwick) as he took his dog to the vet in question approximately 8-9 years ago; and
- Item D54/08 (195-199 Maroubra Road, Maroubra) as he knows the owner, but has not seen him for 6-7 years; and
- Item D 55/08 (603-611 Anzac Parade, Kingsford) as he knows one of the objectors; and
- Item D60/08 (32-34 Grosvenor Street, Kensington) as he knows the applicant.

Councillor Matson declared a non-significant non-pecuniary interest in:

- Item D53/08 (81-85 Frenchmans Road, Randwick) as he takes his dog to the Botany Road Vet which is associated with the applicant vet; and
- Item D61/08 (87 St Marks Road, Randwick) as one of the objectors helped with the Greens election 2008 campaign.

Cr Nash declared a non-significant non-pecuniary in Item D58/08 (7 Darley Road, Randwick) as his lives in the vicinity of the application.

Cr Notley-Smith declared a non-significant non-pecuniary interest in Item D52/08 (55 Dudley Street, Coogee) as he knows one of the objectors.

Cr Procopiadis declared a non-significant non-pecuniary interest in Item D60/08 (32-34 Grosvenor Street, Kensington) as his lives in the vicinity of the application.

Cr Smith declared:

- A non-significant non-pecuniary interest in D53/08 (81-85 Frenchmans Road, Randwick) as he takes his dog to the vet in question; and
- a pecuniary interest in Item D54/08 (195-199 Maroubra Road, Maroubra) as his employer stands to make a significant financial gain if the development application is approved. Cr Smith indicated that he would leave the chamber and not take part in the debate or the vote on Item D54/08.

Cr Stevenson declared a non-significant non-pecuniary interest in Item D55/08 (603-611 Anzac Parade, Kingsford) as he knows one of the objectors.

Cr White declared a non-significant non-pecuniary interest in:

- Item D56/08 (26 Grose St, Little Bay) as he knows the owners of the property; and
- Item D62/08 (120 Alison Road, Randwick) as he is good friends with the property owners' son.

Cr Woodsmith declared a non-significant non-pecuniary interest in:

- Item D52/08 (55 Dudley Street, Coogee) as the application is approximately 150 metres from her place of residence; and
- Item D61/08 (87 St Marks Road, Randwick) as one of the objectors helped with the Greens 2008 election campaign.

Address of Council by Members of the Public

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

D52/08 55 DUDLEY STREET, COOGEE

Against Mr Larry Smith
For Mr Stuart Harding (representing the Applicant)

D53/08 81-85 FRENCHMANS ROAD, RANDWICK

Against Mr Anthony Betros
For Mr Marc Simpson (representing the Applicant)

Councillor Seng arrived at the meeting at this point (7.45pm).

Councillor Smith left the meeting at 7.46pm (having declared a pecuniary interest in Item D54/08 earlier in the meeting).

D54/08 195-199 MAROUBRA ROAD, MAROUBRA

Against Mr Robert Lees

Councillor Smith returned to the meeting (7.55pm).

D55/08 603-611 ANZAC PARADE, KINGSFORD

Against Mr Peter Cugin
For Mr Tony Robb (representing the Applicant)

D57/08 1 HOLMES STREET, MAROUBRA

Against Mr Anthony Betros (representing the Applicant)

D58/08 7 DARLEY ROAD, RANDWICK

Against Mr Simon Rice
For Mr Anthony Betros (representing the Applicant)

D60/08 32-34 GROSVENOR STREET, KENSINGTON

Against Mr Lance Elias
For Mr Christopher Alexandrou

D61/08 87 ST MARKS ROAD, RANDWICK

Against Mr Joe Coelho
For Mr Andrew Shultz (representing the Applicant)

D62/08 120 ALISON ROAD, RANDWICK

Against Mr Bernard Coles
For Mr Andrew Shultz (representing the Applicant)

D63/08 215A ANZAC PARADE, KENSINGTON

Against Mr Wal Richardson (representing the Applicant)

The meeting was adjourned at 9.13pm and was resumed at 9.30pm.

Urgent Business

Nil

Development Application Reports

D52/08 Development Application Report - 55 Dudley Street, Coogee (DA/364/2008)

PL36/08

RESOLUTION: (Matson/Notley-Smith) that Council, as the responsible consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/364/2008 for demolition of existing buildings and construction of 4 storey mixed use development comprising 2 commercial tenancies, 2 home offices and 13 carpark spaces at ground level, 13 residential units above, and associated works at 55 Dudley Street, Coogee for the following reasons:

1. The proposal would comprise the amenity of the surrounding residential area in terms of visual bulk and scale, overshadowing, privacy and loss of views.
2. The proposal would be likely adversely impact on the parking capacity of the surrounding street network due to the deficiency in on site car parking.
3. The proposed driveway access to Asher Street is unsuitable given its narrowness and results in the loss of on street car parking.
4. The proposal is not considered to be in the public interest having regard to the public submissions received.

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

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Nash
Councillor Matthews	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (12)	Total (3)

D53/08 Development Application Report - 81-85 Frenchmans Road, Randwick (DA/599/2008)

PL37/08

RESOLUTION: (Andrews/Notley-Smith): that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/599/2008 for change of use to a veterinary establishment, including surgery and grooming services, with associated alterations and additions to the existing buildings and provision of off-street car parking, at Nos. 81, 83 and 85 Frenchmans Road, Randwick, subject to the following conditions:

Conditions of Consent

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

1. The development must be implemented substantially in accordance with the following plans:

Plan Number	Dated	Received	Prepared By
A01 (Revision A)	15.08.08	22 August 2008	Foran Design Architects
A02 (Revision A)	15.08.08	22 August 2008	

the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. The proposed car parking layout to the rear of Nos. 81 to 85 Frenchmans Road is to be generally consistent with Drawing No. A03(A), dated 7/11/08, prepared by Foran Design Architects, and received by Council on 11 November 2008, subject to the following amendments:
 - (a) All proposed car spaces are to be line-marked, signposted and provided with appropriate wheel stops according to the provisions of Australian Standard 2890.1 to the extent possible.
 - (b) Reduce the width of Car Spaces 1, 2, 3, 4, 5 and 6 from 2500mm to 2400mm.
 - (c) Increase the width of Car Space 7 from 2500mm to 2700mm.
 - (d) Reduce the width of Car Space 9 from 2500mm to 2400mm.
 - (e) Increase the width of Car Space 10 from 2500mm to 2600mm.

Details demonstrating compliance with the above requirements are to be incorporated in the Construction Certificate documentation, to the satisfaction of the Principal Certifying Authority.

3. A minimum of one (1) bicycle parking space with associated security device shall be provided within the car parking area to the rear of No. 81 to 85 Frenchmans Road. This may be accommodated in between Car Space 7 and the side boundary. The design and construction of the bicycle parking facility are to be generally consistent with Australian Standard 2890.3 Bicycle parking facilities or Council's Parking Development Control Plan.

Details demonstrating compliance with the above requirements are to be incorporated in the Construction Certificate documentation, to the satisfaction of the Principal Certifying Authority.

4. The following signposting for car parking bays shall be incorporated into the development:
 - (a) Car Spaces 9, 10 and 12 are to be signposted to include the following information:
"Veterinary Customer Parking Only: Mon to Fri 7am to 9pm, Sat to Sun 9am to 6pm"
 - (b) Car Spaces 7 and 8 are to be signposted to include the following information:
"Veterinary Customer / Staff Only: Mon to Fri 7am to 9pm, Sat to Sun 9am to 6pm"

(c) Car Space 11 is to be signposted to include the following information:
 "Veterinary Loading Bay Only: Mon To Fri 7am to 9pm, Sat to Sun 9am to 6pm"

5. A flush-mounted sign of not more than 1m² in surface area, non-illuminated, is to be installed in a prominently visible position at the Frenchmans Road elevation of the building, informing customers that on-site parking spaces are available to the rear of the premises.
6. All loading and unloading operations associated with the veterinary establishment shall be carried out wholly within the confines of the site at all times.
7. The provision of any business identification or advertising signs shall be the subject of a separate development consent from Council, with the exception of those types of signage, which are consistent with the provisions of the Randwick Development Control Plan – Exempt and Complying Development.
8. The hours of operation, including deliveries and waste collection, for the proposed veterinary establishment shall be limited to the following:

Veterinary surgery	
Monday to Friday	7am to 9pm
Saturday	9am to 6pm
Sunday and Public Holidays	9am to 6pm
Grooming	
Monday to Friday	8am to 6pm
Saturday	9am to 1pm
Sunday and Public Holidays	Closed

9. The car parking area shall not be used as an animal exercising ground at all times.
10. The premises shall not offer any general animal boarding / kennelling services, with the exception of the overnight (maybe more than 1 night) or temporary boarding of animals, which have undergone treatment or surgery at the subject clinic.
11. Suitable signage is to be posted within the premises and at all entries to the building to inform clients that all dogs must be restrained at all times when visiting the subject clinic.
12. The operator of the veterinary establishment must ensure that any rubbish and animal defecation immediately adjacent to the site and in the nearby footpath areas are cleaned up and removed, at all times when the premises is open and at the end of each day after the premises has closed.
13. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
14. Street numbering must be provided to the premises in a prominent position, in accordance with Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.
15. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.

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

Regulatory

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

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

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

18. **Prior to the commencement of any building works** (including fit-out works), a **construction certificate** must be obtained from the 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.

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

- i) appoint a *Principal Certifying Authority*, 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.

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

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

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

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

21. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
1. • 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,
 2. • name, address and telephone number of the *Principal Certifying Authority*,
 3. • a statement stating that "unauthorised entry to the work site is prohibited".
22. An **Occupation Certificate** must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

23. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.
24. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

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

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

and if any further requirements need to be met.

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

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

Fire safety

The following conditions are applied to protect the safety of occupants and fire fighters in the event of a fire:

26. 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) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
 - 2) Provide illuminated exit signs to the premises, in accordance with clause E4.5 & E4.7 of the BCA,
 - 3) Provide portable fire extinguishers within the building, in accordance with clause E1.6 of the BCA,
 - 4) Provide fire hose reel system to the building, in accordance with clause E1.4 of the BCA,
 - 5) Balustrades and handrails to stairway/s, ramps, 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*.
27. 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.

Structural adequacy

28. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of an occupation certificate**, certifying the structural adequacy of the building including, but not limited to, all of the structural components, handrails and balustrades.

Building & demolition works

29. Demolition work and the removal, storage, handling and disposal of building materials 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 Code of Practice and Guidelines
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

30. 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) 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.

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS 2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- e) 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.

- f) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
31. 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.

32. 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.
33. 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 Health, Building & Regulatory Services department.
- 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 safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be

restricted. If required, a temporary 1.8m high safety fence or hoarding is to be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

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.

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.

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 Health, Building & Regulatory Services department 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.

- g) A separate 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 or any other container or article on the road, footpath or nature strip.

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:

34. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
35. The 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 ($L_{A90}, 15 \text{ min}$ 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).

36. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to the satisfaction of the Principal Certifying Authority (with a copy forwarded to Council where it is not engaged as the Certifying Authority) prior to a Construction Certificate being issued for the development.

The report is to include detailed information relating to the proposed measures

for minimising noise transmission to the surrounding residential uses, and to demonstrate that the potential noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval.

37. 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.
38. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and Australian Standard 1668. In addition, any exhaust ventilation ducts and stacks are to be located so as not to be prominently visible from the footpaths and carriageways of Frenchmans Road. Details are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
39. All chemicals, biological products and waste materials are to be stored, recycled or disposed of in accordance with relevant NSW Environmental Protection Authority (EPA) guidelines or equivalent and WorkCover Australia requirements.

Access & Facilities

The following conditions are applied to provide appropriate access and facilities to the premises:

40. Access and facilities for people with disabilities must be provided to the building in accordance with any relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority, and details are to be provided with the Construction Certificate application.
41. Direct disabled access to the building from the rear car parking area is required to be provided to enable equitable access to comply with the objectives of the Disability Discrimination Act, by means of a disabled stair/chair lift or equivalent, to the satisfaction of the certifying authority.

Waste Management

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

42. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council **prior to commencing operation of the business.**

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

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

43. Prior to the issue of an Occupation Certificate, a survey plan of consolidation shall be registered consolidating the 6 allotments at Nos. 75 to 85 Frenchmans Road, Randwick into 1 allotment, and submitted to the Principal Certifying Authority. A copy of the survey plan shall be forwarded to Council.
44. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
45. Prior to the issue of an occupation certificate, the car spaces shall be clearly marked on the ground and appropriately labelled to indicate those spaces that are for the exclusive use of the veterinary clinic.

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

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

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

Tree Management

47. Approval is granted for removal of the following trees in order to accommodate the proposed works as shown, with replacement planting not required given a lack of available space at the site:
 - a) One *Olea europaea* (European Olive) in the rear yard, growing within the existing bitumen car park, against the northeast corner of 85 Frenchman's Road; and,
 - b) One *Archontophoenix cunninghamiana* (Bangalow Palm), on the opposite side of the car park, against the northwest corner of 81 Frenchmans Road.

Streetscape Condition

48. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of **\$2,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, protection of the following existing items located on public property:
 - a. **Two recently planted *Magnolia grandiflora* 'Little Gem' (Dwarf Magnolia's), being one towards the western boundary of 81 Frenchman's Road, and another one in line with the common boundary of 83-85 Frenchman's; and,**
 - b. **Council's paved footpath, for the full length of the site.**

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100001 - \$200000	-----	0.5%	-----
Development cost more than \$200000	\$441100*	1.0%	\$4411

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

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

ADVISORY MATTERS:

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

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA. Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

You are also 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.

4.

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

3. The applicant is to advise Council in writing and/or photographs of any signs of

existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

Councillor Smith left the meeting at 9.45pm.

D54/08 Development Application Report - 195-199 Maroubra Road, Maroubra (DA/395/2008)

Having declared a pecuniary interest in this matter earlier in the meeting, Cr Smith left the meeting during the debate and the vote on the matter.

PL38/08

RESOLUTION: (Andrews/White) that the application be deferred to provide an opportunity for the applicant to address the off-street car parking requirements by means of a volunteer planning agreement and to enable the submission of a social impact statement in relation to the proposal.

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

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Woodsmith
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (13)	Total (1)

Councillor Smith returned to the meeting at 9.53pm.

D55/08 Development Application Report - 603-611 Anzac Parade, Kingsford (DA/210/2007)

PL39/08

RESOLUTION: (Hughes/Notley-Smith) that Council, as the consent authority, changes its previous determination of Development Application No. 210/2007 under Section 82A(4A) of the Environmental Planning and Assessment Act 1979, as amended, and grants Development Consent under Sections 80 and 80A of the same Act for demolition of existing structures on site and construction of a service station facility comprising a convenience store, a canopy, bowser fuel points, on-site car parking, outdoor signage and associated landscape works at Nos. 603-611 Anzac Parade, Kingsford, subject to the following conditions:

Conditions of Consent

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

1. The development must be implemented substantially in accordance with the following plans:

Plan Number	Dated	Received	Prepared By
28821-010 (F)	09.05.08	06 Nov 2008	Caltex Australia Petroleum Pty. Ltd.
28821-012 (M)	23.09.08	06 Nov 2008	
28821-014 (L)	23.09.08	06 Nov 2008	
28821-015 (K)	31.10.08	06 Nov 2008	
28821-016 (G)	07.05.08	06 Nov 2008	
28821-017 (E)	05.11.08	06 Nov 2008	
28821-021 (K)	23.09.08	06 Nov 2008	
28821-022 (G)	23.09.08	06 Nov 2008	
28821-023 (E)	31.10.08	06 Nov 2008	
28821-029 (G)	31.10.08	06 Nov 2008	

the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. The design and configuration of the proposed acoustic barrier are to be generally consistent with Figure 1 on page 3 of the document entitled "Review of Determination DA/210/2007 Caltex Service Station, 603-611 Anzac Parade, Kingsford", dated May 2008 and prepared by Urbis, subject to the following amendments:
- (a) The acoustic barrier is to be extended along the full length of the western property boundary of the site, being the shared boundary with No. 90 Snape Street, and returned to the northern boundary up to the proposed convenience store building.
 - (b) The transparent portion of the barrier, which is directly above the 1800mm high solid masonry base, shall be extended to the height of the eaves of the adjoining property to the west and shall be constructed with acrylics or other similar materials that are non-reflective, and incorporate a medium grey tint and a frosted/translucent coating. The above requirements are to minimize glare and privacy impacts on the adjoining residential use.
 - (c) The barrier is to be designed in a manner that enables the rainwater falling on its surface to be collected and disposed of within the site.

Details demonstrating compliance with the above requirements are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.

3. The proposed "I.D." pylon sign at the north-eastern corner of the site shall have a maximum height of not more than 6.0m as measured from the footpath level. In addition, the above sign shall be relocated a minimum of 6m from the northern boundary in order to minimize glare and light overspill to the adjoining dwelling at No. 601 Anzac Parade.

Details demonstrating compliance with the above requirements are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.

4. The proposed canopy fascia sign that displays "Caltex" letterings and a corporate logo shall be reconfigured so that no portions of the sign will exceed the topmost point of the canopy structure or extend beyond the upper or lower fascia returns.

5. The letterings, wordings and information shown on the proposed signage must be related to the business or activities being carried out on the subject site.
6. The design, dimension, line-marking and sign-posting of the proposed car parking bays are to be consistent with the provisions of Australian Standard 2890.

Details demonstrating compliance with the above requirements are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.

7. Car spaces numbered 8, 9, 10 and 11 at the north-western corner of the site shall be sign-posted for the exclusive use by the staff only. In addition, car spaces 10 and 11 are to be appropriately widened to achieve compliance with Australian Standard 2890.
8. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent residential development to maintain the integrity and amenity of the streetscape.

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

9. Metal roof sheetings for the canopy and convenience store building are to be painted or colour bonded to minimize reflection and to be sympathetic and compatible with the surrounding environment.
10. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an Occupation Certificate being issued for the development.
11. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
12. Details are to be provided in the Construction Certificate application to demonstrate that the proposed works will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.
13. The intensity of the signage illumination is to be minimized to ensure that excessive light overspill or nuisance is not caused to any nearby premises. In addition, all signage illumination is to be switched off between 12:00 midnight and 6:00pm daily.
14. The general 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.
15. Lighting to the proposed service station shall be restricted to low level security lighting outside the approved hours of operation.
16. There shall be no use of a loudspeaker or amplified music on the site at all times.

17. Prior to the issue of any Interim/Final Occupation Certificate, notices shall be installed in the fuel forecourt adjacent to the pumps and customer parking spaces, which request customers to switch off any car stereo equipment while on the site.
18. The air/water service must not be operational after 10.00pm and before 5.00am on any day or relocated to a more suitable position. Details of any relocation must be submitted to and approved by Council's Director City Planning prior to the issuing of a construction certificate.

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

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

Category	Cost	Applicable Levy	Section 94A Levy
Development cost more than \$200,000	\$1,500,000	1.0%	\$15,000

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

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

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

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

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

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

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

23. **Prior to the commencement of any building works**, the person having the benefit of the development consent must:
- i) appoint a *Principal Certifying Authority* for the building work, and
 - ii) appoint a *principal contractor* for the building work 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.

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 must also be provided to Council with the occupation certificate.

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

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

30. Documentary evidence prepared by a suitably qualified *professional 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.
31. 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:

32. The demolition work, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (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.

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. 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.
38. 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 buildings 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.
39. 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.
40. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
41. Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt &

Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

42. 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.

43. During demolition, excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Revegetation of disturbed areas.

44. 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.

45. 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.
46. The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.
47. 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.

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

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

49. Premises to be used for any of the following purposes must be registered with Council prior to issuing an occupation certificate and relevant fees to be paid to Council. The premises must be inspected by one of Council's Environmental Health Officers and any relevant requirements of Council's Environmental Health Officers must be satisfied prior to commencement of the use.
- Any food businesses (i.e. restaurant, café, take-away food shop, grocer, bistro, deli and any other business in which food (including confectionery and packaged food) is sold, prepared, manufactured or stored),
 - Any boarding house, bed & breakfast, backpackers or the like,
 - Any hotel or place of public entertainment,
 - Hairdressing salons, beauticians and skin penetration businesses,
 - Any premises providing approved sexual services,
 - Cooling towers and warm water systems.
50. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
 - Relevant Department of Environment & Conservation (DEC) /

Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

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

51. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

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

52. 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.
53. 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.
54. 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.

55. A Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be

provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

The following condition is applied to provide access and facilities for people with disabilities:

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

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:

57. 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 ($L_{A90, 15 \text{ min}}$) 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).

58. 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.

59. The hours of operation of the business are restricted to:
Sunday – Thursday: 5.00am – 11pm
Friday, Saturday and Public Holidays: 5.00am – Midnight

60. All deliveries to the premises shall be restricted to:
Monday – Friday: 7.00am – 10.00pm
Saturday, Sunday & Public Holidays: 8.00am – 10.00pm

61. All commercial pick ups from the premises such as rubbish collection shall be restricted to:
Monday – Friday: 7.00am – 10.00pm
Saturday, Sunday and Public Holidays: 8.00am – 10.00pm

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:

62. 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*.
63. The acoustic report prepared by Atkins Acoustics and Associates Pty Ltd titled "Noise Assessment Caltex Service Station, Kingsford, 38.6100. R1.CFCD3 Rev 05, dated April 2008 and the recommended noise control recommendations form part of this development consent.

64. A report or correspondence prepared by a suitably qualified and experienced independent consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that use and operation of the development will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and relevant regulations, guidelines and conditions of this approval. A copy of the report or correspondence is to be included in the construction certificate documentation.
65. An acoustic report prepared by a suitably qualified and experienced acoustics consultant shall be obtained **prior to an occupation certificate** being issued for the works, which demonstrates that noise and vibration from the use and operation of the development will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and relevant regulations, guidelines and conditions of approval. A copy of the report or correspondence is to be included in the *occupation certificate* documentation.
66. The site shall not be used for the purposes of taxi-change over and/or a taxi-changeover base.
67. Signs shall be placed at the entrance of the service station sales building instructing drivers/patrons:
 - The site is not to be used for taxi changeovers or for the purposes of a taxi-changeover base.
 - Vehicles must depart the site immediately upon completion of vehicle refuelling or purchases from within the shop.

The following conditions are applied to ensure adequate environmental protection and occupational health and safety:

68. The storage and handling of flammable and combustible liquids must be in accordance with Australian Standards AS1940-2004 The Storage and Handling of Flammable and Combustible Liquids and relevant requirements and guidelines published by the Environmental Protection Authority and WorkCover NSW.
69. Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997 (NSW).
70. An Emergency Response Management Plan must be prepared by a suitably qualified person and be submitted to Council **prior to the issue of the Occupation Certificate**. The Plan shall include the following:
 - list of chemicals and maximum quantities to be stored at the site;
 - identification of potentially hazardous situations;
 - procedure for incident reporting;
 - details of spill stations and signage;
 - containment and clean-up facilities and procedures; and
 - the roles of all staff in the Plan and details of staff training.
71. Where applicable, the installation and operation of any LPG facility must be in accordance with Australian Standards AS1596:1997, Storage and handling of LP Gas.
72. Delivery tankers shall be parked wholly within the site during unloading. Tankers shall enter and exit the site in a forward direction and shall only remain on site during unloading operations. All tanker deliveries shall only be

made during the approved hours as detailed in this consent.

73. The fuel filling area being designed and operated in accordance with:

Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems by the Australian Institute of Petroleum (CP22-1994)

74. The design, installation and operation of the business are required to be in accordance with the Department of Environment and Conservation Guide entitled "Environmental Action for Service Stations" and details of the design (including design certification) are required to be provided with the construction certificate to the satisfaction of the certifying authority.
75. The installation of the fuel tanks must comply with Australian Standards "AS1940-2004 The Storage and Handling of Flammable and Combustible Liquids" and must be licensed by WorkCover NSW. A copy of the compliance certificate and WorkCover NSW Dangerous Goods license shall be submitted to Council prior to an occupation certificate being issued.
76. The installation and operation of fuel pumping systems of underground storage tanks being carried out in accordance with the *Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems* by the Australian Institute of Petroleum (CP22-1994).
77. The fuel filling area must be graded into collection sumps and/or grated drains so that the surface effluent generated within the refuelling area is directed to a designated drainage system for appropriate treatment, storage and disposal.

If liquid wastes are to be disposed of to the sewer, a Trade Waste Agreement from Sydney Water is to be obtained. A copy of this agreement is to be forwarded to Council **prior to the issue of the Occupation Certificate**.

78. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
79. 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*.
80. Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course or the stormwater or sewerage drainage systems.

Full details of the proposed pollution control devices to be installed are to be submitted with the construction certificate.

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

81. The applicant is to engage a NSW Department of Environment and Climate Change (DECC) (formerly EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, **prior to above ground works commencing** which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.

Any additional conditions that are specified in the Site Audit Statement and

Summary Site Audit Report by the DECC accredited site auditor, form part of this consent and Council must be consulted with prior to the development and imposition of any conditions.

82. Remediation and validation works shall be carried out in accordance with *"Investigation and Soil Management Plan prepared by Environmental Consulting Services, submitted with Statement of Environmental Effects Appendix 11 Preliminary Contamination Report, dated March 2007"*. Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor, prior to the commencement of such works, which confirms the Site Auditor's approval of the amended remediation action plan/works.
83. Site remediation must be carried out in accordance with the following general requirements:
- a) Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Climate Change (formerly EPA) and the NSW Department of Planning, Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
 - b) The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.
 - c) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.
 - d) Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works.
 - e) All underground tanks shall be removed in accordance with relevant NSW DECC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.
 - f) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.

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

- g) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be

imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes. 1999'.

- h) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting
 - details of provisions for monitoring implementation of remediation
 - works and persons/consultants responsible
- i) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- j) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
- k) Remediation work shall be conducted within the following hours:
- | | |
|---|-----------|
| Monday – Friday | 7am – 5pm |
| Saturday | 8am – 5pm |
| No work permitted on Sundays or Public Holidays | |
- l) A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- m) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

84. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- *New South Wales Occupational Health and Safety Act, 2000;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation*

2001;

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

85. 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) & Regulations (2001).

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

86. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.

87. Food safety practices and operation of the food premises must be in accordance with the *Food Act 2003*, Food Regulation 2004, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

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

88. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations.**

89. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

90. The design and construction of food premises must comply with the following requirements, as applicable:

- The floors of food storage and display areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
- The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.

- Walls of the food storage and display areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
- The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.
- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- The ceilings of food storage and display areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework or the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
- Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
- Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
- Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
- A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
- All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of

not more than 5°C and keep this food cold at or below that temperature.

91. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
92. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Security Deposit Conditions

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

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

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

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

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

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

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

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

94. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for a Council approved contractor to:
 - a. Construct commercial strength concrete vehicular crossing and layback at kerb opposite the vehicular entrance/exit point in Snape Street.

Note: The construction of the vehicular crossing in Snape Street will require the adjustment of a Telstra Box and a Sewer Manhole Lid, also at the applicant's expense.
 - b. Construct a concrete vehicular crossing and layback at kerb opposite the vehicular exit point in Anzac Parade, to the satisfaction of the RTA.
 - c. Remove the redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's and RTA's specifications.
 - d. Relocate signposting in Snape Street, if required, to suit the new vehicular

entrance.

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

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

97. 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.
98. 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.
99. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$1,949.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

100. 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.
101. 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.
102. A Road/Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

For further information, please contact Council's Road/Asset Opening Officer on 9399 0691 or 9399 0999.

103. 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.
104. The applicant shall meet all costs associated with replacing overhead power lines along the Snape St frontage with Aerial Bundled Cables. This shall be from the power pole outside No 90 Snape St to the power pole located on the corner of Snape St & Anzac Pde. The applicant shall liaise directly with the relevant service utility authorities to organise for the power lines to be bundled. All power lines must be bundled to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
105. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

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

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

106. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20

year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e.. above the 1 in 20 year storm) to the proposed drainage system.

- d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

107. All stormwater run-off naturally draining to the site (i.e. excluding those areas on which a spillage of polluting materials may occur) 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.

108. All site stormwater (i.e. excluding those areas on which a spillage of polluting materials may occur) must be discharged (by gravity) to either:

- The kerb and gutter or drainage system at the front of the property;
OR
- A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

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

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

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

Where possible the detention tank must have an open base to infiltrate

stormwater to the groundwater. Note that the ground water and any rock stratum have to be a minimum of 2.0 metres below the base of the tank.

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

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

111. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.

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

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

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

Notes:

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

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

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

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

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

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

118. 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.

119. A sediment/silt arrester pit must be provided:

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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.
 - c. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
121. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- The location of the detention basin with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in the detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size(s) (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
122. 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.
- 123.** The stormwater drainage plans shall include details on how stormwater which may contain spillage of polluting materials is to be drained (this stormwater is not to be dispersed to the kerb and gutter/ street drainage system) and shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans is to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority.

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

124. Landscaping at the site shall be installed substantially in accordance with the Landscaping Plan by Caltex, drawing number 28821-024, revision A, dated 31.10.08, subject to the following additional requirements being included on an amended plan which shall be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate (with a copy of the approved plan to be forwarded to Council if not the PCA, prior to the commencement of site works):
- A minimum number of 2 x 25 litre/300mm (pot size at the time of planting) feature species shall be provided within the garden area proposed at the northeast corner of the site, selecting those natives which will attain a minimum height at maturity of 3 metres, and is required in order to more effectively screen/soften the appearance of the proposed 3m high wall facing Anzac Parade.

- A planting schedule which includes botanic and common names, pot sizes at the time of planting, quantities, size at maturity and a planting 'key' which clearly illustrates their proposed locations.
 - In order to prevent the encroachment of motor vehicles into the landscaped areas, a 150mm high concrete edge shall be constructed between the landscaped areas and road surface.
125. 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.
126. The nature-strip upon both of Council's footways 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.
127. Any substation required shall be screened from view, with its proposed location, elevation and screening method to be shown.
128. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.

Street Tree Management

129. The applicant must remove and dispose of (at their own cost), the two existing *Melaleuca armillaris* (Bracelet Honey Myrtles), located within Council's Snape Street nature strip, being one to the west of the existing telephone booth, near the western site boundary, and another one just west of the main vehicle entrance along this frontage, as well as the small *Syagrus romanzoffianum* (Cocos Palm) on Council's Anzac Parade nature strip, near the northern site boundary, **and must satisfy themselves as to the location of all site services prior to the commencement of any works on public property.**
130. The applicant must also submit a total payment of **\$214.50 (including GST)**, to cover the cost for Council to supply and plant two *Hibiscus tiliaceus* (Cottonwood's) on the Snape Street nature strip, comprising one between the existing phone booth and western site boundary, and another one to the east of the new vehicle crossing along this frontage.

The contribution shall be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development.**

The applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working weeks notice, to arrange for provision of the replacement street trees upon completion of all site works.

Tree Management

131. The following trees shall be removed as part of this application, subject to full implementation of the approved landscape plan:
- a) One *Schefflera actinophylla* (Umbrella Tree) within the narrow garden bed along the southern site boundary, as it is recognised as an environmental weed;

- b) One *Melia azederach* (White Cedar) in the rear yard, in the northwest corner of the site, due to significant structural defects, as well as to accommodate the proposed works as shown

Tree Protection Measures

132. In order to ensure retention of the *Eucalyptus sideroxylon* (Ironbark) located centrally across the width of the Anzac Parade frontage, within the existing turfed nature strip in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application must show its retention, with the position of its trunk and full diameter of its canopy to be clearly shown on all drawings.
- b. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 1.5 metres to the north and south of its trunk, as well as along the back of the kerb to its east, and the pedestrian footpath to its west, in order to completely enclose this tree for the duration of the works.
- c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
- d. The applicant is not authorised to perform any works to this street tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- e. Within the zone specified in point 'b' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
- f. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of \$1,000.00 shall also be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to this tree at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary.

Advisory Conditions

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

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

133. The proposed driveway crossing on Anzac Parade shall be designed to meet RTA's requirements, and be endorsed by a Chartered Engineer (i.e. who is registered with the Institution of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and Australian Standard AS 2890.2 – 2002. Two certified copies of the design plans shall be submitted to the RTA's Traffic Projects Section for consideration and approval prior to the release of the Construction Certificate by Council / Accredited Certifier and commencement of road works.

The developer shall be responsible for all public utility adjustment / relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required prior to the release of the approved road design plans by the RTA.

134. The redundant vehicle crossing(s) shall be removed and replaced with kerb and gutter to match existing.

135. The entry and exit driveways are to be clearly signposted. No structure should be mounted on the footway area.

136. All vehicles, including delivery trucks, shall be able to enter and exit the subject site in a forward direction.

137. Any proposed business signage must not have / use:

- Flashing lights;
- Electronically changeable messages;
- Animated display, moving parts or simulated movement;
- Complex displays that hold a driver's attention beyond "glance appreciation";
- Display resembling traffic signs or signals; and
- A method and level of illumination that distracts or dazzles.

138. A 'Stormwater Management Plan' (and associated calculations), which demonstrates that the post-development discharge is not more than the existing discharge, shall be submitted to the RTA for review. The Construction Certificate should not be released until this plan has been reviewed and meets RTA requirements.

139. All work associated with the proposed development shall be at no cost to the RTA.

In addition to the above, the following advisory comments are provided:

140. Petrol pumps must not be closer than 4 metres to the property alignment of any public street.

141. Inlets to the bulk storage tanks must be situated so that when tankers are

discharging fuel, they will stand completely on the site and not obstruct the safe and convenient entry to the site by other vehicles.

142. Off-street parking associated with the proposed development shall be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002.
143. The development proponent is to arrange with the RTA's Transport Management Centre for any required Road Occupancy License during construction.

ADVISORY MATTERS:

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

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

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

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

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

- | | | | |
|----|------------------|---|--|
| a) | Part B1 | - | Structural provisions |
| b) | Part C1 | - | Fire resistance and stability |
| c) | Part C3 | - | Protection of openings |
| d) | Clause C3.2&C3.4 | - | Protection of openings in external walls |
| e) | Part E1 | - | Fire fighting equipment |
| f) | Part E4 - | | Emergency lighting, exit signs & warning systems |
| g) | Part F1 | - | Damp and weatherproofing |
| h) | Section J | - | Energy efficiency |

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

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

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

The applicant/owner is requested to give consideration to providing access

and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

AMENDMENT: (Andrews/Matthews) that the application be approved accordance with the staff recommendation, but subject to the following amendments:

Conditions 58 and 59 being amended as follows:

58. The hours of operation of the business are restricted to:

Sunday – Thursday: 6.00am – 10pm

Friday, Saturday and Public Holidays: 5.00am – 11pm

59. All deliveries to the premises shall be restricted to:

Monday – Sunday (including Public Holidays): 7.00am – 8pm.

LOST.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Matthews	Councillor Bowen
	Councillor Hughes
	Councillor Matson
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (2)	Total (13)

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

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Nash	Councillor Belleli
Councillor Notley-Smith	Councillor Bowen
Councillor Procopiadis	Councillor Matson
Councillor Seng	Councillor Matthews
Councillor Smith	Councillor Tracey
Councillor Stevenson	
Councillor White	
Councillor Woodsmith	
Total (9)	Total (6)

**D56/08 Development Application Report - 26 Grose Street Little Bay
(DA/730/2006/A)**

PL40/08

RESOLUTION: (Andrews/Notley-Smith) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act

1979 as amended to modify Development Consent No DA/730/2006 for permission to Section 96(2) Modification of approved development to modify the approved development consent to include a passenger lift to the dwelling, alterations to approved windows and door positions, additional windows, reconfigured floor plan, change of roof form and minor alteration to wall cladding on the following manner;

Amending Condition 1 to read:

The development must be implemented substantially in accordance with the plans numbered 1001, 1002, 1003, 1004, 1005, 3001, 3002 & 3003 dated 20/11/2006 and received by Council on the 30th January 2007 **as amended by plans numbered Job number 7008/07, sheets 02, 03, 04 & 05 all dated May 2008 and received by Council on the 18th July 2008**, the application form and on any supporting information received with the application, as amended by the following ***only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications.***

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

D57/08 Development Application Report - 1 Holmes Street, Maroubra (DA/726/2008)

PL41/08

RESOLUTION: (Andrews/Seng) that the application be deferred to enable the submission of amended plans.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Woodsmith
Councillor Bowen	
Councillor Hughes	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (13)	Total (2)

D58/08 Development Application Report - 7 Darley Road, Randwick (DA/131/2008)

PL42/08

RESOLUTION: (Woodsmith/Smith) that Council, as the consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.131/2008 for permission to undertake alterations & additions to the existing dwelling house to convert it to a child care centre for 40 children with a manager's residence and hours of operation 6.30am to 6.00pm Monday to Friday at 7 Darley Road, Randwick for the following reasons:

1. The proposed on site parking is inadequate for the purposes of a child care

centre.

2. The application would be detrimental to the amenity of the surrounding residential area in terms of noise and parking.
3. The proposal proposes inadequate arrangements for the safe drop-off and pick-up of children.

MOTION: (Woodsmith/Smith) CARRIED - SEE RESOLUTION.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Tracey
Councillor Hughes	Councillor White
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Woodsmith	
Total (12)	Total (3)

D59/08 Development Application Report - 110-122 Avoca Street, Randwick (DA/1088/2004/A)

PL43/08

RESOLUTION: (Andrews/Notley-Smith) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/1088/2004/A for permission to undertake a Section 96(2) amendment including: addition of electrical substation to ground floor, storage to basement, minor setback changes, minor landscaping changes, minor increase in footprint, deletion of blade wall on boundary, addition of bay window to south west façade, new door to terrace, increase terrace area, simplify roof detail and minor increase to FSR of an approved residential and commercial development at 110–122 Avoca Street, Randwick in the following manner:

Amend Condition 1 to read:

The development must be implemented substantially in accordance with the plans numbered DA 01 to DA 13 all Issue B, AN 08, Issue B and AN 15, Issue A, all dated 15 April, 2005 and prepared by Hill Thalys; Landscape Plans LP 01-03, Issue B, dated 22 April, 2005, prepared by Jane Irwin, Landscape Architecture and all received by Council on 5 May, 2005, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered** A0.00, A2.11 to A2.19, A2.21 to A2.23 and A2.34 all Issue 96B, dated 20/05/08 and prepared by Hill Thalys; and all received by Council on 25 June, 2008, **only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Add Condition 163:

A privacy screen having a minimum height of 1.5m is to be provided to the full length of the western side of the terrace to apartment 3.11 on level 4 and the

screen is to be constructed of translucent glass. Details of compliance are to be provided in the construction certificate plans.

And add Condition 164:

Details of any changes to the proposed colours, materials and textures (i.e.- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. In particular, further detail is required of the finish to the proposed metal louvres to the substation.

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

Councillor Procopiadis left the meeting at 10.15pm.

D60/08 Development Application Report - 32-34 Grosvenor Street, Kensington (DA/544/2008)

PL44/08

RESOLUTION: (Hughes/Matson) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/544/2008 for permission to undertake partial demolition of existing dwellings and the construction of a 3 storey, 25 room boarding house and 4 parking spaces at 32–34 Grosvenor Street, Kensington subject to the following conditions:

The following conditions have been applied to maintain reasonable levels of amenity to the area:

1. The development must be implemented substantially in accordance with the following plans:

Title	Dwg. No	Revision Date	Received by Council
Ground floor plan	DA 002 B	05/11/08	11 Nov 2008
Level 1 floor plan	DA 003 A	23/07/08	1 Aug 2008
Level 2 floor plan	DA 004 A	23/07/08	1 Aug 2008
Roof plan	DA 005 A	23/07/08	1 Aug 2008
North & south elevations	DA 006 B	05/11/08	11 Nov 2008
East & west elevations	DA 007 A	23/07/08	1 Aug 2008
Sections	DA 008 A	23/07/08	1 Aug 2008

the application form and on any supporting information received with the application, except as may be amended by the following conditions:

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

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

3. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
4. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

5. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
6. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
7. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
8. 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.
9. The consolidation of the separate lots into a single lot must take place prior to the use or occupation of the development. Details of the consolidation of lots are to be provided to Council prior to occupation of the development.
10. 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).

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

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

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

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

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

12. The consumption of water within the building shall be minimised by the use of triple

A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.

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

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

14. 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.
15. As a minimum appliances provided within the development are to satisfy the following energy ratings:

- Clothes dryers minimum 2.5 star
- Dishwashers minimum 3 star
- Air conditioners minimum 4 star
- Clothes washers minimum 4 star
- Fridge minimum 4 star

16. A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.

The tank is to be located a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at or below ground level and be incorporated into the relevant construction certificate, to the satisfaction of the Certifying Authority.

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost More than \$200,000	\$3,020,470	1.0%	\$30,204

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

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

The following conditions are 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

18. 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.

19. 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*.

20. **Prior to the commencement of any building or fire safety works, a construction certificate must be obtained** from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

A copy of the construction certificate, the approved plans 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

21. **Prior to the commencement of any building or fire safety 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.

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.

22. 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.

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

24. 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.

25. **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.

26. 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.

27. 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.

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

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

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

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

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, including balustrades and handrails .

Construction site management

31. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
 - Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Codes of Practice and Guidelines
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)
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) 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.*
- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.

- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) 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.
- e) 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.
- f) 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.
- g) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
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. 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).*

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. 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.
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 Health, Building & Regulatory Services department.
- 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.

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.

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.

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.

- g) 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.
- h) 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.
- i) 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

38. 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) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA),
 - 2) The roof space above each sole-occupancy unit and the common stairway/corridor located in the top-most storey must be separated from each other with material having a -/60/60 fire resistance level (FRL), or alternatively a ceiling having a resistance to the incipient spread of fire to the roof space above of not less than 60 minutes must be provided throughout the top-most storey,
 - 3) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - 4) Provide emergency lighting system to the common stairway and corridors, in accordance with clause E4.2 & E4.4 of the BCA,
 - 5) Provide illuminated exit signs to the building, in accordance with clause E4.5 & E4.7 of the BCA,
 - 6) Provide portable fire extinguisher/s within the building and adjacent to any electrical switchboard in a required exit, in accordance with clause E1.6 of the BCA,
 - 8) The building must be provided with a suitable Fire Hydrant System, which satisfies the provisions of clause E1.3 of the Building Code of Australia and Australian Standard AS 2419.1-2005 (unless a written exemption or variation has been obtained from the NSW Fire Brigade and the Certifying Authority,

Details of the proposed fire hydrant system are to be submitted to and approved by the Certifying Authority, prior to installation.
 - 9) Provide fire hose reel system to the building, in accordance with Clause E1.4 of the BCA,
 - 10) Provide a non-combustible enclosure (i.e. a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
 - 11) 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,
 - 12) The main entry/exit door is to swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
 - 13) Protect openings in external walls where required in accordance with the provisions of Part C of the BCA,

- 14) 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*.
 - b) 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 for a Class 3 building of type A construction.
 - c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
39. 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 (from the Principal Certifying Authority) which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

The following condition has been applied to ensure compliance with Local Government Legislation and Policies of Council:

40. Places of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the premises must be registered with the Council, and the approved registration/inspection fee is to be forwarded to Council **prior to issuing an occupation certificate**.

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

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

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

42. 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 occupation of the building**, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

The following conditions are applied to provide reasonable levels of access for people with disabilities:

43. Access and sanitary facilities must be provided for people with a disability in accordance with Part D3 and Part F2 of the Building Code of Australia and AS 1428. Details are to be included in the Construction Certificate to the satisfaction of the certifying authority.
44. Places of Shared Accommodation must comply with the Local Government (Orders) Regulation 1999 and the premises must be registered with the Council prior to issuing the Occupation Certificate.

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.

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:

47. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
48. 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*.
49. The common areas of the premises such as kitchen, toilet, outdoor communal area, gazebo and BBQ area is to be maintained in a clean and healthy condition at all times.
50. The boarding house premises shall be operated in accordance with the definition of boarding house contained in the Randwick Local Environmental Plan 1998. Accommodation is not to be provided on a temporary basis to persons whose principal place of residence is elsewhere and/or for tourism purposes.
51. The outdoor communal area, gazebo & BBQ area shall not be used or occupied between:
- | | |
|--------------------|-----------------------|
| Monday – Thursday: | 10pm – 7am |
| Friday: | 12am (midnight) – 7am |
| Saturday & Sunday: | 12am(midnight) – 7am |
52. The manager shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of the managers name and contact number.
53. The Plan of Management titled *Management Plan for Boarding House 2-4 Strachan Street, Kingsford* produced by Archicorp architects & project managers and received by Council on 20 March 2008 must be incorporated in the operation and use of the boarding house. No variation shall be permitted without the further approval of Council.
54. The manager shall maintain a record of all residents with details of their names, length of stay & number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council Officers upon request.

55. All residents in the boarding house are to sign a lease or licence agreeing to comply with the Plan of Management for the boarding house, with the length of the lease to be determined by the management.
56. The building manager is to be a resident in the building, residing in room 2.
57. Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 and 24 shall be restricted to one occupant whilst units 17 and 25 shall be restricted to two occupants.

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

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

- a) \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

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

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

59. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Construct a new full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site. The new vehicular crossing must be wholly located in front of the development site, (i.e. no part of the driveway shall encroach past the prolongation of the common boundary between 32 Grosvenor Street and 30 Grosvenor Street).
 - b) Remove the redundant concrete vehicular crossing and layback in Grosvenor Street and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
 - d) Remove the existing stone kerb and gutter in Grosvenor Street and construct new kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.

- e) Carry out a full depth, minimum 1.0 metre wide, road construction in front of the new kerb and gutter in Grosvenor Street.
 - f) Reconstruct the concrete footpath along the full Grosvenor Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
60. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
61. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
62. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.
- All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.
- Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.
63. 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.
64. The internal driveway must be an absolute minimum clear opening of 2.5 metres at all points along the driveway, (i.e. a minimum opening of 2.5 metres clear of any obstructions at all points along the driveway). Wherever possible the clear opening should be greater than 2.5 metres. The construction certificate plans must demonstrate compliance with this requirement.
65. All vehicles must enter and exit the site in a forward direction.
66. The area immediately north of the garbage bin holding area and northern carpsaces, (approximately 3 metres by 7.6 metres in area) must be retained at existing natural ground level. All retaining walls and hobs associated with the elevated parking area shall be located entirely within the site boundaries. The Construction Certificate plans must demonstrate compliance with this requirement.
67. The internal driveway must be constructed with a straight/even grade going up from the Grosvenor Street site boundary to match the proposed carpark level of 24.95 metres AHD. The applicant must contact Council's Development Engineer to discuss the grades on the internal driveway prior to lodgement of the Construction

Certificate. The Construction Certificate Application must demonstrate compliance with this requirement.

68. The proposed carpark area must be redesigned in general accordance with the following:
- The two northern carspaces shall be widened such that their width is approximately 2.8 metres. The construction certificate plans must demonstrate compliance with this requirement. The applicant must contact Council's Development Engineer to obtain Council's requirement for these carspaces prior to lodgement of the Construction Certificate Application.
69. A Works Zone is to be provided in Grosvenor Street or Lorne Avenue for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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

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

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

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

71. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Grosvenor Street property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full Grosvenor Street site frontage.

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

72. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Lorne Avenue property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full Lorne Avenue site frontage.

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

73. 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.

74. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1007.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Grosvenor Street. This amount is to be paid prior to a construction certificate being issued for the development.

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

75. 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.
76. 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.
77. 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.
78. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

79. 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.
80. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
81. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

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

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

82. The floor level of all habitable and storage areas shall be at a minimum RL of 25.10 metres (AHD) or suitably waterproofed up to this same level. All windows, vents and other openings must also be at a minimum RL of 25.10 metres (AHD) or suitably waterproofed up to this same level. The construction certificate application must fully demonstrate compliance with this requirement.
83. The proposed carparking area must be constructed at a minimum RL of 24.95 metres (AHD) or suitably waterproofed up to this same level. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
84. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
 - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
85. 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.

86. All site stormwater must be discharged (by gravity) to either:
- i) The kerb and gutter or drainage system in Grosvenor Street and/or Lorne Avenue; OR
 - ii) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
87. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided for the redeveloped portion of the site to ensure that the maximum discharge from the redeveloped portion of the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

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

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

89. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
90. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
91. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- a) 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - b) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - c) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - d) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

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

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

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

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

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

96. A reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system. (TO BE INCLUDED IF CONNECTING TO COUNCIL'S UNDERGROUND DRAINAGE SYSTEM)

97. 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 installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

98. 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.

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

Notes:

- a. The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the “restriction on the use of land” and “positive covenant” being executed by Council.
100. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) The location of the detention basin with finished surface levels;
 - b) Finished site contours at 0.2 metre intervals;
 - c) Volume of storage available in the detention areas;
 - d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - e) The orifice size(s) (if applicable);
 - f) Details of any infiltration/absorption systems; and
 - g) Details of any pumping systems installed (including wet well volumes).
101. 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.

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

102. The garbage room area will have to be designed so as to be able to contain a total of 8 x 240 litre bins (4 garbage bins & 4 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.
103. The waste storage area is 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.
104. The waste storage areas shall be clearly signposted.
105. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

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

106. Detailed landscape drawings and specifications are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:
 - a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.
 - b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
 - c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
 - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - g. 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. Location of easements within the site and upon adjacent sites (if any).
107. 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.

108. 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.

109. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
110. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.

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

111. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

Tree Management

112. Permission is granted for the removal of only those trees falling within the area occupied by the approved works. Removal of any of the remaining trees on the site are subject to separate application under the Tree Preservation Order.
113. The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.

ADVISORY MATTERS:

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

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

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

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

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

- a) Part C2 - Compartmentation and separation
- b) Part D1 - Provision for Escape
- c) Part D2 - Construction of Exits
- d) Part D3 - Access for people with disabilities
- e) Part E1 - Fire fighting equipment
- f) Part E2 - Smoke Hazard Management
- g) Part E4 - Emergency lighting, exit signs & warning systems
- h) Part F2 - Sanitary Facilities
- h) Part F5 - Sound Transmission and Insulation

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

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

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

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

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

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road

- Placement of a waste skip or any other container or article on the road, nature strip or footpath.
5. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

MOTION: (Hughes/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Councillor Procopiadis returned to the meeting at 10.30pm.

**D61/08 Development Application Report - 87 St Marks Road, Randwick
(DA/367/2008)**

PL45/08

RESOLUTION: (White/Andrews):

- A. That Council support the objections under State Environmental Planning Policy No. 1 (SEPP No.1) in respect of non-compliance with Clause 31 of the Randwick Local Environmental Plan 1988, relating to Landscaped Area, on the grounds that the proposed development is consistent with the objectives of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. 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/367/2008 for permission to carry out a first floor addition to an existing dwelling, construct a garage for existing dwelling, a new two storey dwelling at rear with garaging, and strata subdivision into two lots and associated works subject to the following conditions:-

DEVELOPMENT CONSENT CONDITIONS

1. The development must be implemented substantially in accordance with the following plans:

Title	No	Dated	Received by Council
• Building A Floor Plans	• DA 100 Rev. 02	• 20.9.08	• 1 Oct 2008
• Building B Floor Plans	• DA 101 Rev. 02	• 20.9.08	• 1 Oct 2008
• Building A Elevations	• DA 300 Rev. 01	• 20.9.08	• 1 Oct 2008
• Building B Elevations	• DA 301 Rev. 01	• 20.9.08	• 1 Oct 2008
• Sections	• DA 400 Rev. 01	• 20.9.08	• 1 Oct 2008
• Landscape Plan	• LO1 Rev. B	• 02.06.08	• 19 Jun 2008

the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. The sill height of the following windows are to be increased to be a minimum height of 1.5m above floor level and fixed and provided with translucent,

obscured, frosted or sandblasted glazing:

Building/ Floor	Orientation	Room
• Building B, First Floor	• North	• Bed 3
• Building B, First Floor	• North	• Bath
• Building B, First Floor	• North	• Stair
• Building B, First Floor	• West	• Bed 2

Details of compliance are to be included on the plans lodged with the construction Certificate application.

3. The front setback of the first floor addition to Building "A" shall be increased by 1m. The internal room arrangement may be reconfigured as necessary in response to this condition but the external elements (including windows) shall remain unchanged except for the deletion of the front metre. Details of compliance are to be included on the plans lodged with the construction Certificate application.
4. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

5. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of an appropriate street number/s to the development.

6. Power supply and telecommunications cabling to the development shall be underground.
7. 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.
8. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
9. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
10. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**,

respectively.

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

11. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the **Construction Certificate** application for this development.

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

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

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

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

• Category	• Cost	• Applicable Levy	• S94A Levy
• Development Cost • More than \$200,000	• \$495,800	• 1.0%	• \$4,958

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

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

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

13. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to carry civil works such as construction of a new vehicular crossing to the subject site.

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

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

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

Council.

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

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

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

14. Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:
 - b) Remove the existing vehicular crossing and to construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - c) Reconstruct the existing concrete footpath along the full site frontage, if required. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specifications.
15. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
16. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

17. The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
 - **25mm above the back of the path at all points opposite the path, along the full site frontage.**
18. 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.
19. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$349.36 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

20. 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.
21. 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.
22. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of strata subdivision.

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure: (Note: Stormwater drainage plans have not been approved as part of this development consent.)

23. 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.
24. All site stormwater must be discharged (by gravity) to either:
 - i) The kerb and gutter or drainage system at the front of the property; OR
 - ii) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
25. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the additional residence is not to exceed that which would occur during a **1 in 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical

Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

NOTE: OSD is only required for the proposed residence on site B.

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

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

27. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
28. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
29. Any onsite detention/infiltration systems shall be located in **areas accessible by residents of the new residence.**
30. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

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

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

33. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
34. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
35. 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.

36. 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.

37. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:

- a. The location of the detention basin with finished surface levels;
 - b. Finished site contours at 0.2 metre intervals;
 - c. Volume of storage available in the detention areas;
 - d. The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - e. The orifice size(s) (if applicable);
 - f. Details of any infiltration/absorption systems; and
 - g. Details of any pumping systems installed (including wet well volumes).
38. 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.

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

39. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.
 - c. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
40. The applicant shall create suitable right of carriageway, easements for access, services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
41. Appropriate rights of carriageway must be created over the front allotment in favour of the rear allotment. All vehicles must be able to enter the site, drive along the access handle, enter the proposed carspaces/garages and then exit the site along the access handle in a forward direction. This will require the applicant to provide suitable manoeuvring areas within the development site.
42. All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.
43. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.

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

44. Prior to the credited certifier issuing an occupation certificate for the proposed

development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the additional residence.

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

45. Landscaping at the site shall be installed in accordance with the Landscape Plan by Susan Miles Landscape Architect, drawing number L01, issue B, dated 05.06.08, and stamped 19th June 2008, prior to the issue of a final occupation certificate, and shall be maintained in accordance with those plans.
46. Approval is granted for the removal of all existing vegetation within the site where necessary in order to accommodate the proposed works as shown, as all were observed to be insignificant, and too small to be covered by the provisions of Council's Tree Preservation Order (TPO); however, this approval is subject to full implementation of the approved landscape plan as described above.
47. The applicant is prohibited from performing any works to Council's *Ficus microcarpa var' 'Hillii'* (Hills Weeping Fig) street tree, located on the St Marks Road nature strip, to the north of the existing vehicle crossing; however, if pruning is required in order to avoid either damage/conflict, or to accommodate the approved works or site machinery, access etc, Council's Landscape Development Officer shall be contacted on 9399-0613 (giving at least 2 weeks notice) to arrange for Council to perform such work.
48. The cost of the pruning work described above shall be borne wholly by the applicant, with the amount specified to be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre, **prior to the issue of a final occupation certificate.**
49. Permission is granted for the selective and minimal pruning of only those lower growing, overhanging branches from the southern aspects of the *Liquidambar styraciflua* (Liquidambar) located beyond the northern boundary, within the rear yard of 7 Farnham Avenue, as well as the *Harpephyllum caffrum* (Kaffir Plum) to its east, within the rear yard of 9 Farnham Avenue, both close to the common boundary, which need to be specifically pruned in order to avoid damage/conflict during the course of the proposed works.
50. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the health of these trees, the applicant will need to negotiate with the neighbour/tree owner for permission to perform this work.
51. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'
52. **Prior to the commencement of any pruning**, the applicant/Arborist will be required to contact Council's Landscape Development Officer on 9399-0613 (giving at least 2 working days notice) to arrange a joint site meeting for the purposes of determining the extent of pruning allowable, with the Arborist to comply fully with Council's instructions.
53. In order to ensure retention of the *Ficus macrocarpa var. 'Hillii'* (Hills Weeping Fig) located on Council's St Marks Road nature strip, to the north of the existing vehicle crossing in good health, the following measures are to be undertaken:
 - a. All detailed architectural, building, demolition, engineering (structural,

stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show retention of this street tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.

- b. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which is to be located along the back of the kerb to its west, the pedestrian footpath to its east, as well as minimum distance of 2.5 metres to its south and 1 metre to its north, measured off the outside edge of its trunk, in order to completely enclose this tree for the duration of the works.
- c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
- d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
- e. Any excavations performed within the front yard associated with footings, structures, services, pipes, stormwater infiltration systems, paving etc shall initially be performed by hand, with any roots encountered to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- f. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of \$1,500.00 (no GST) shall be lodged with Council, prior to the issue of a construction certificate for the proposed development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

The contribution shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development.**

QUANTITY	SPECIES	AMOUNT
1	<i>Ficus macrocarpa</i> var. 'Hillii' (Hills Weeping Fig)	\$1,500.00
	TOTAL	\$1,500.00

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the tree at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary.

54. In order to also ensure retention of the *Liquidambar styraciflua* (Liquidambar) located in the rear yard of 7 Farnham Avenue, beyond the northern boundary of

the subject site, as well as the *Harpephyllum caffrum* (Kaffir Plum) to its east, within the rear yard of 9 Farnham Avenue, both of which are close to the common boundary in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of both specimens with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
- b. Excavations for footings along the northern site boundary associated with both proposed garages, shall initially be undertaken by hand, to a minimum depth of 600mm, whereupon, Council's Landscape Development Officer shall be contacted on 9399-0613 (giving at least 2 working days notice) to arrange a joint site inspection of the trenches, and the size and location of any roots encountered, with the applicant/Arborist to comply fully with Council's instructions relating to tree roots.
- c. Roots in the area specified in point 'b' above, which have a diameter of less than 75mm and need to be pruned in order to accommodate the proposed works shall be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- d. Conversely, any roots having a diameter of 75mm or greater which are in conflict with the proposed works, but need to be preserved in the interests of maintaining tree health, **will need to have an engineering solution such as a pier and beam/cantilevered section designed around/over them in order to ensure their preservation, with a construction detail confirming compliance with this requirement to be submitted with the construction certificate.**
- e. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within 3.5 metres of the northern site boundary, beneath the extent of the driplines of either of these neighbouring trees.

Advisory Conditions

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

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Hughes
Councillor Belleli	Councillor Matthews
Councillor Bowen	Councillor Seng
Councillor Matson	Councillor Smith
Councillor Nash	Councillor Woodsmith
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Stevenson	
Councillor Tracey	
Councillor White	

Total (10)**Total (5)****D62/08 Development Application Report - 120 Alison Road, Randwick
(DA/525/2008)**

PL46/08

RESOLUTION: (Tracey/Woodsmith) that the SEPP1 application be rejected and the applicant be requested to submit amended plans that address the FSR issue and provide for the removal of the proposed 4th floor.

MOTION: (Tracey/Woodsmith) CARRIED - SEE RESOLUTION.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Seng
Councillor Matthews	Councillor White
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor Woodsmith	
Total (11)	Total (4)

**D63/08 Development Application Report - 215A Anzac Parade, Kensington
(DA/241/2007/C)**

PL47/08

RESOLUTION: (Andrews/Notley-Smith) that Council as the consent authority:

- a) refer the Section 96 application to the Minister for Planning under Section 116D of the Environmental Planning and Assessment Act 1979 (as amended).
- b) notify the applicant that the application has been referred to the Minister for Planning.
- c) submit to the Minister for Planning;
 - (i) a copy of the application
 - (ii) details of Council's proposed determination of the application
 - (iii) the reasons for the proposed determination.

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

Miscellaneous Reports**M7/08 Miscellaneous Report - Coogee Licensed Premises Social Impact
Assessment - Recommendation for Deferral (F2004/08009)**

PL48/08

RESOLUTION: (Andrews/Notley-Smith) that Council:

- a. Defer the Social Impact Assessment (SIA) of licensed premises in Coogee Bay;
- b. A report be brought back to Council to decide on the future of the SIA after the outcome of the joint submission to the NSW Director of Liquor, Gaming and Racing to impose a "Late hour entry declaration" at the Coogee Bay Hotel and Beach Palace Hotel is known; and

- c. And that the consultant and members of the Resident's Committee be notified accordingly.

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

Notices of Rescission Motions

Nil

The meeting closed at 10.45pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 10 February 2009.

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CHAIRPERSON