

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 12TH DECEMBER, 2006 AT 6:08 P.M.**

PRESENT:

The Mayor, Cr P. Tracey (Chairperson) (North Ward)

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

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley (from 8.03 pm) & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan (from 7.30 pm)
West Ward	-	Crs B. Hughes, S. Nash, & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

OFFICERS PRESENT:

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

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Councillor Hughes.

The Acknowledgement of Local Indigenous People was read by the Mayor, Cr. Paul Tracey.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Nil.

3. CONFIRMATION OF THE MINUTES.

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 28TH NOVEMBER, 2006.**

376 **RESOLUTION: (Belleli/Kenny)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 28th November, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Belleli declared a non pecuniary interest in Item 9.2 as one of the submissions on this matter was made by a person working on his State Election Campaign. Cr Belleli indicated that he would be leaving the Chamber, taking no part in the discussion of or voting thereon the matter.
- (b) Cr Procopiadis declared a non pecuniary interest in Item 6.1 as he is driving the community bus which is being requested of Council.
- (c) Cr Sullivan declared a non pecuniary interest in Item 12.7 as he lives in close proximity to this site

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 8.1 DIRECTOR, CITY PLANNING REPORT 109/2006 – 179 BOTANY STREET, RANDWICK.

The Objector Mrs Maria McCann 177 Botany Street, Randwick
The Applicant Mr Greg Sparling 18 Dawes Street, Little Bay

Item 8.2 DIRECTOR, CITY PLANNING REPORT 110/2006 – UNIT 27/57-63 BELMORE ROAD, RANDWICK.

The Applicant Mr Russell Byrnes 76 Buckingham Street, Surry Hills

Item 8.3 DIRECTOR, CITY PLANNING REPORT 111/2006 – 46 - 50 PEROUSE ROAD, RANDWICK.

The Applicant Mr Richard Hall 7 Bay Street, Little Bay

Item 8.5 DIRECTOR, CITY PLANNING REPORT 113/2006 – 58 DUKE STREET, KENSINGTON.

The Objector Mr Tony Awad 58 Todman Avenue, Kensington
The Applicant Mr Warrick Waugh 58 Duke Street, Kensington

Item 8.7 DIRECTOR, CITY PLANNING REPORT 115/2006 – 20 PAULING AVENUE, COOGEE.

The Applicant Mr Greg Miller 20 Pauling Avenue, Coogee

Item 9.1 DIRECTOR, CITY SERVICES' REPORT 91/2006 - NEW FOOTPATH CONSTRUCTION - VICTORIA STREET, MALABAR.

Against Mr Robert Hafner 82 Victoria Street, Malabar

Item 9.2 DIRECTOR, CITY SERVICES' REPORT - 92/2006 - PIONEER PARK CLOSED LANDFILL - REMEDIATION COMMUNITY CONSULTATION.

Against Mr Michael Cousens 2 Manwaring Avenue, Maroubra

Item 12.2 MOTION BY COUNCILLOR MATSON - CLEAN UP AUSTRALIA DAY ACTIVITIES AT LITTLE CONGWONG BEACH.

For Mr Gary Peters 15 Gurawahl Avenue, La Perouse

Item 12.6 MOTION BY COUNCILLOR MATSON - MOTION BY COUNCILLOR MATSON – REMOVAL OF ASBESTOS FROM THE 9FSB BUILDING ON THE BUNDOCK STREET SITE.

For Ms Jocelyn McGirr 12 Cedar Place, Coogee

Item 12.7 MOTION BY COUNCILLOR MATSON - IMPACT OF PROPOSED RESIDENTIAL DEVELOPMENT FOR 155-157 ARDEN STREET, COOGEE ON HISTORIC SANDSTONE RETAINING WALL AND THE STREETScape OF ARDEN STREET.

Against Mr Steven Davies Level 1, 364 Kent Street, Sydney

For Mr Phil Everingham 3/21 Arcadia Street, Coogee

The meeting was adjourned at 6.52 p.m. and was resumed at 7.10 p.m.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 96/2006 - LIBRARY AND COMMUNITY BUS - WAIVING OF FEES. (F2004/06574)

Cr Procopiadis previously declared a non pecuniary interest in this matter and did not take part in the discussion of or voting thereon.

377 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council approve the hire of the Library and Community Bus for use by the Castellorizian Ladies Auxiliary for their annual Christmas Carols on Friday 15 December (6-10pm), Saturday 16 December (10.00am – 4.00pm) and Monday 18 December (10.00am – 4.00pm) and that fees totalling \$346.50 be waived on this occasion and funded from the 2006/2007 Contingency Fund.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.2 MAYOR'S MINUTE 97/2006 – CLEAN UP AUSTRALIA DAY – GRACEPOINT CHRISTIAN CHURCH – REQUESTING WAIVING OF FEES. (F2004/08286)

378 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- a) *Council vote \$1,546.50 to cover the fees associated with the '2007 Coogee Beach Clean Up Australia Day Festival' and the funds be charged to the Contingency Fund 2006/07;*
- b) *the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor or his representative be given the opportunity to address the event on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.3 MAYOR'S MINUTE 98/2006 - WAIVING OF FEES - SURFING COMPETITION - MAROUBRA BEACH. (F2004/08302)

379 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council vote \$884.40 to cover 50% of the fees associated with the 'Rip Curl Gromsearch' to be held from 13 to 16 January, 2007, inclusive, and that these funds be allocated from the 2006/07 Contingency Fund budget;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council Logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements etc, Council being mentioned as sponsor in any radio advertisements, sponsorship acknowledged in all local press and publicity); and*
- c) *the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.4 MAYOR'S MINUTE 99/2006 - ANNUAL PERE RECEVEUR HISTORIC MASS AT LA PEROUSE - REQUEST FOR ASSISTANCE. (F2005/00182)

380 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council agree to assist by underwriting the hire charges of the marquee amounting to \$2,642.88 for the Annual Pere Receveur Historic Mass to be held on Sunday, 18 February 2007 and the funds be charged to the Contingency Fund 2006/07;*
- b) *organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the celebration; and*
- c) *the Mayor or his representative be given the opportunity to address the celebration on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.5 MAYOR'S MINUTE 100/2006 - DRAFT POLICY - FORMER INCINERATOR LAND, MATRAVILLE. (F2006/00652)

381 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *the draft Policy - Former Incinerator Land, Matraville, be adopted;*
- b) *relevant notations be included on future Section 149 Planning Certificates;*
- c) *appropriate public health, risk management and communication strategies be developed to affectively manage the issues and concerns arising from the operation of the former incinerator;*
- d) *Council resolve under section 54 of the Environmental Planning and Assessment Act 1979 (as amended), to prepare a draft Local Environmental Plan to amend the exempt and complying provisions to the Randwick Local Environmental Plan 1998;*
- e) *Council resolve under section 74C of the Environmental Planning and Assessment Act 1979, to prepare a new Development Control Plan to amend the Development Control Plan Exempt and Complying Development to ensure that certain development on contaminated land is appropriately excluded from exempt and complying development; and*
- f) *the residents of the properties identified in the attached draft policy be kept informed of any further developments.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.6 MAYOR’S MINUTE 101/2006 - SUMMARY OF ENVIRONMENTAL GRANTS AND AWARDS SUBMITTED IN 2006 AS PART OF THE SUSTAINING OUR CITY INITIATIVE AND ENVIRONMENTAL LEVY PROGRAM. (F2004/06608)

382 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council considers ongoing opportunities to communicate to staff and to residents the recognition provided and funds attracted to Randwick’s environmental levy program; and*
- b) *a great vote of thanks be passed on to all Council staff and to our Councillors who have contributed to the very positive recognition and results of Randwick’s sustainability efforts over the past 12 months.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.7 MAYOR’S MINUTE 102/2006 - CONCESSIONS FOR ENERGY EFFICIENT VEHICLES USING OUR ROADS. (F2004/07231)

383 **RESOLUTION: (Mayor, Cr. P. Tracey) that Council approve the preparation of a letter to the appropriate Minister and the RTA seeking endorsement for the above concessions being provided to energy efficient hybrid or electric vehicles.**

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.8 MAYOR'S MINUTE 103/2006 - RANDWICK'S SUMMER ACTIVITIES PROGRAM, JANUARY 2007. (F2006/00662)

384 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- a) *the fees for the Summer Activities using beach areas over the two week period from January 8 to January 19, 2007, be waived;*
- b) *the availability of a Council lifeguard and jet ski to accompany the sea-kayaking activities being held at Coogee beach on the morning of Monday, January 8 and 15, 2006, be approved; and*
- c) *due to the Council by-law preventing scuba divers from using Clovelly Beach over the summer months, permission be provided for participants and instructors in the Introduction to SCUBA activity to use Clovelly pool on the Friday mornings, January 12 and 19, 2007 with set-up from 8.00am and completion of the activity by 1.00pm.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.9 MAYOR'S MINUTE 104/2006 - COOGEE ARTS FESTIVAL - WAIVING OF FEES. (F2004/07550)

385 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- a) *Council vote \$11,276.26 to cover the fees associated with the 2007 Coogee Arts Festival and funds be allocated from the Contingency Fund 2006/07;*
- b) *The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the events; and*
- c) *The Mayor's representative shall be given the opportunity to address the events on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

7. URGENT BUSINESS.

7.1 GENERAL MANAGER'S REPORT 49/2006 - RESCISSION MOTION - 47-53 DUDLEY STREET, COOGEE. (DA/221/2006 & PROP020761, 020769, 020773 & 020817)

386 **RESOLUTION:** *(Andrews/Notley-Smith) that the rescission motion in relation to 47-53 Dudley Street, Coogee be considered as urgent business due to the Council meeting recess.*

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

387 **RESOLUTION:** *(Matson/Hughes) that the resolution passed at the Health, Building & Planning Committee Meeting held on Tuesday, 5th December 2006, reading as follows:*

that:

- (A) *Council's original determination of Development Application No.DA/221/2006 dated 25 July 2006 for additional external and internal alterations to the already approved development consisting of a new 4th storey for units 10 and 11 containing living, dining and kitchen area, with their floor below modified to include an additional 3rd bedroom. The resultant development will consist of 3x1 bedroom units, 7x2 bedroom units and 3x3 bedroom units. at 47-53 Dudley Street, COOGEE NSW 2034, be rescinded; and*
- (B) *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/221/2006 for the proposed fourth storey addition to multi-unit development including amendment of design by altering materials, having only Unit 11 as two storey with set backs from building perimeter subject to the following conditions:*

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered LEY-01 TO LEY-07, revision J dated 17 October 2006 and received by Council on 17 December 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

ENVIRONMENTAL AMENITY:

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. *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.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council.*
4. *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. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
6. *Details of the proposed colour of the roof are to be submitted to and approved by the Director of City Planning, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the roofing being installed.*

7. *Handrails, screens and sun-shading must be compatible with the addition.*
8. *Details of the proposed handrails, screens and sun-shading must 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.*

ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:

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

9. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*
10. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*
11. *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.*
12. *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.*
13. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*
14. *Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.*

SECTION 94 Contributions:

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

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

<i>a) for the provision or improvement of open space</i>	<i>\$939.12</i>
<i>b) for the provision or improvement of community facilities</i>	<i>\$415.28</i>
<i>c) Administration fee</i>	<i>\$425.00</i>

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

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

16. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority and the relevant requirements:*
 - a) *Occupational Health and Safety Act 2000*
 - b) *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
 - c) *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and*
 - d) *The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines*

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

17. *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.

18. *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.*
19. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
20. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
 - a) *appoint a Principal Certifying Authority for the building work, and*
 - b) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - c) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage*

inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and

- d) give at least two days notice to the Council, in writing, of the person's intention to commence building works.*
21. *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.*
23. *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).*
24. *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.*
25. *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.*
26. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- a) 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)*
- b) name, address and telephone number of the Principal Certifying Authority,*
- c) a statement stating that "unauthorised entry to the work site is prohibited".*
27. *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.*
28. *An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the*

Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

29. *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 conditions of consent.*
30. *In accordance with clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*
31. *Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):*
 - a) *has been informed in writing of the licensee's name and contractor number; and*
 - b) *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*
32. *Where the work to be done by any other person (i.e. an owner-builder), excavation or building work must not be carried out unless the Principal Certifying Authority:*
 - a) *has been informed of the person's name and owner-builder permit number, or*
 - b) *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*
33. *Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council prior to the commencement of works, with the notice of appointment of the PCA / notice of intention to commence building work.*
34. *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.*
35. *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.*
36. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

37. *Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.*
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) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
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.*
 - 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.*
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.*
42. *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.*
43. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
 - a) *location and construction of protective fencing / hoardings to the perimeter of the site;*
 - b) *location of site storage areas/sheds/equipment;*
 - c) *location of building materials for construction;*

- d) *provisions for public safety;*
- e) *dust control measures;*
- f) *site access location and construction*
- g) *details of methods of disposal of demolition materials;*
- h) *protective measures for tree preservation;*
- i) *provisions for temporary sanitary facilities;*
- j) *location and size of waste containers/bulk bins;*
- k) *details of proposed sediment and erosion control measures;*
- l) *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

- 44. *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.*
- 45. *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.*
- 46. *Dust control measures and practices may include:-*
 - a) *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
 - b) *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
 - c) *Installation of a water sprinkling system or provision hoses or the like.*
 - d) *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
 - e) *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
 - f) *Revegetation of disturbed areas.*
- 47. *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*

48. *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.*
49. *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.*
50. *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.*
51. *A temporary timber 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.*
52. *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.*
53. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*
54. *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.*
55. *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.*
56. *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.*
57. *Hoardings and fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*
58. *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.*
59. *If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.*

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

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

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

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge and upon the 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 consideration for service authority assets:

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

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

63. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*

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

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

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

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

STRUCTURAL ADEQUACY:

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

65. *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.*

CONSTRUCTION SITE MANAGEMENT:

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:

66. *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.*
67. *All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.*
68. *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.*

STORMWATER DRAINAGE CONDITIONS

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

69. *Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.*
70. *The stormwater drainage system must be designed by a suitably qualified and experienced Hydraulic Consultant/Engineer, to the satisfaction of the Certifying Authority.*
71. *Stormwater from the addition must be directed to the previously approved stormwater infrastructure.*
72. *Upon completion of the works and prior to the issuing of an Occupation Certificate, a works-as-executed drainage plan and certification must be forwarded to the Principal Certifying Authority and the Council, from a suitably qualified and experienced Hydraulic Consultant/Engineer, which confirms that the design and construction of the stormwater drainage system satisfies the conditions of development consent and*

the Construction Certificate stormwater design details approved by the Certifying Authority.

73. *The works-as-executed drainage plan must prepared by a suitably qualified and experienced Hydraulic Engineer in conjunction with and Registered Surveyor.*

BE AND IS HEREBY RESCINDED.

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

A division was called for by Crs Matson and Hughes. Voting was as follows:-

For	Against
Belleli	Andrews
Hughes	Bastic
Matson	Kenny
Notley-Smith	Nash
Procopiadis	Seng
Mayor, Cr. P. Tracey	White
Woodsmith	

388 **FURTHER RESOLUTION: (Matson/Hughes)**

- A. *That the reasons for refusal in Council's original determination of Development Application No. DA/221/2006 dated 25 July 2005 for the additional external and internal alterations to the already approved development consisting of a new 4th storey for units 10 and 11 containing living, dining and kitchen area, with their floor below modified to include an additional 3rd bedroom at 47-53 Dudley Street, COOGEE NSW 2034, be replaced with the following reasons for refusal.*
- 1. The amended proposal exceeds the maximum floor space ratio for the site prescribed in Clause 32(1) of the Randwick Local Environmental Plan 1998 and the floor space has an adverse impact on the amenity enjoyed by nearby residents and the objection pursuant to State Environmental Planning Policy No 1 is not well founded.*
 - 2. The amended proposal exceeds the maximum external wall height of 10 metres prescribed in Clause 33(4) of the Randwick Local Environmental Plan 1998 and the height has an adverse impact on the amenity enjoyed by nearby residents and the objection pursuant to State Environmental Planning Policy No 1 is not well founded.*
 - 3. The amended proposal does not achieve the objectives of the 2C Residential Zone in that the proposed building form, height, scale and density will compromise the amenity of the surrounding residential area.*
 - 4. The amended proposal is inconsistent with the view sharing performance requirements and objectives of the Randwick Development Control Plan – Multi-unit Housing in that it results in the loss of views and outlook to properties on the southern side of Dudley Street, Coogee.*

5. *The amended proposal was not accompanied by a BASIX certificate as required by Clause 50 of the Environmental Planning and Assessment Regulation 2000. Therefore the application was not properly made and cannot be approved.*
6. *The amended proposal is not accompanied by the detail resolution of handrails, screens and sun-shading and Council are unable to determine the success of the addition as recommended by the Design Review Panel constituted under State Environmental Planning Policy No 65 - Design Quality of Residential Flat Buildings.*

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

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 109/2006 - 179 BOTANY STREET, RANDWICK. (DA/801/06 & PROP037317)

389 *RESOLUTION: (Procopiadis/Andrews) that the Director, City Planning be given delegated authority to consider amended plans and determine the matter.*

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

8.2 DIRECTOR, CITY PLANNING REPORT 110/2006 - UNIT 27/57-63 BELMORE ROAD RANDWICK. (DA/840/2006 & PROP029325)

390 **RESOLUTION:** (*Andrews/Nash*) that Council as the responsible authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/840/2006 & PROP029325 to Enclose the balcony to unit 27 with glass panels at Unit 27/57-63 Belmore Road Randwick subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plan numbered REF 1182, dated 31.7.06 and received by Council on 29th September 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

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

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

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

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

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

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

- i. *appoint a Principal Certifying Authority for the building work; and*
- ii. *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the*

requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and

iii. unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and

iv. give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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

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

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with 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.

8. *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.

9. ***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.

10. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA): -

- has been informed in writing of the licensee's name and contractor number; and*
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner-builder), excavation or building work must not be carried out unless the Principal Certifying Authority: -

- has been informed of the person's name and owner-builder permit number; or*
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

*Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

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:

11. *Demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
12. *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.*
13. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*

14. *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.*
15. *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.*
16. *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.*
17. *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*
18. *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.

ADVISORY MATTERS:

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

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

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

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

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

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

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

8.3 DIRECTOR, CITY PLANNING REPORT 111/2006 - 46-50 PEROUSE ROAD, RANDWICK. (DA/881/2006 & PROP035242)

391 **RESOLUTION: (Andrews/Notley-Smith) that:**

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/881/2006 for the change of use to an ice-cream shop including changes to the façade, fit-out, signage and outdoor seating at 46-50 Perouse Road, RANDWICK subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered "B 03, B 04, B 05, B 06, B 07, B 13, B 14, B 17, B 20, B 21, B 30, B 40" dated September 2006 and "A 28, B 16" dated March 2006 and received by Council on the 12th October 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to conserve the heritage significance of "The Spot" precinct and the contributing façade of the subject building:

2. *The existing original black tiles to the right and left hand sides of the shopfront must be retained and repaired. Missing tiles to the left hand side of the shopfront must be replaced with new tiles, matching the existing tiles as closely as possible. A black rendered and painted finish is to be provided between floor and footpath levels. Amended drawings 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.*

3. *An architect or tradesperson suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of repairs.*

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:

4. *Minimum 2.50 metre wide section of footpath is to remain unimpeded for pedestrian use.*
5. *Prior to operation of the proposed footpath restaurant the applicant/proposed Licensee shall enter into a formal license agreement with Council covering the terms and conditions of the footpath restaurant. The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal license agreement.*
6. *The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event.*

NOTES:

- a. *The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area;*
 - b. *The policy must name the Council as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first given the Council ten (10) days prior written notice;*
 - c. *The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Council.*
7. *The Licensee shall indemnify Council for the full duration of the license agreement from and against all claims, demands, writs, etc. as set out in the formal license agreement.*
 8. *The style and colour of the furniture to be used in the footpath restaurant area shall be in accordance with the Development Control Plan "Footpath Dining & Trading". No advertising or other structures shall be installed without the prior written consent of the Director of City Planning. Design details of the proposed furniture shall be submitted to Council for approval, and approved, prior to the execution of a formal license agreement between Council and the applicant.*

Note: All street furniture is to be removed from the Licensed area outside approved trading hours.
 9. *The applicant shall meet all other requirements of Council's Development Control Plan "Footpath Dining & Trading".*
 10. *The applicant shall ensure that the footpath restaurant area is maintained in a clean and tidy condition at all times. It is noted that this includes high pressure water blasting to clean the footpath restaurant area at least once every 6 months or as directed by Council's officers.*
 11. *The footpath restaurant area Licensee shall ensure that the pavement of the footpath restaurant area is maintained free of grease and other foodstuffs at all times.*

12. *The footpath restaurant area Licensee shall, during the term of the agreement with Council, abide with any current or future Council Policy, Resolution or directive relative to the consumption of alcohol in public spaces.*
13. *The Licensee shall abide with any directive given by any utility authority in relation to access requirement to any utility within the proposed licensed area.*
14. *The development consent is valid for a maximum period of seven (7) years from the date of determination. A new development application is to be lodged prior to the expiration of the development consent should the Licensee/owner wish to continue using Council's footpath for outdoor dining.*
15. *The minimum clear distance from the existing footpath in Perouse Road to the underside of the proposed under-awning advertising sign, (i.e. the sign to be installed above the footpath in Perouse Road), shall be 2.60 metres.*

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

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

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

17. *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.*
18. *The hours of the operation of the business are restricted to:*

*Monday to Saturday: 11am – 11pm;
Sunday: 11am – 10:30pm.*

19. *The hours of operation of the footway dining area are restricted to:-*

*Monday to Saturday: 11am – 10:30pm;
Sunday: 11am – 10:30pm.*

All food services to customers shall only be provided within the abovementioned hours of operation and all patrons must vacate the area and all outdoor furniture is to be removed within 30 minutes of the specified hours.

20. *Amplified music, entertainment, or any other ancillary activity is not permitted within the footway dining area, except with prior development consent.*

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:

21. *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.*
22. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
23. *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.*
24. *Preparation, display and/or storage of food is not permitted within the footway dining area.*
25. *The footway dining area is to be limited to six (6) persons.*
26. *The footway dining area is to be limited to three (3) tables and six (6) chairs.*
27. *The footpath within and adjacent to the outdoor seating area must be maintained in a clean condition, free from litter, foodstuffs and waste materials at all times.*

The footpath must be cleaned thoroughly on a regular basis, in a manner that is environmentally satisfactory and waste receptacles must be provided within the area for customers.

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

28. *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.*
29. *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.

30. *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.***
31. *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.*
32. *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.*
33. *The design and construction of food premises must comply with the following requirements, as applicable:-*
- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
 - *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
 - *The glazed tiling or other approved material is to extend up to a minimum of 450mm above bench tops or other facilities and equipment.*
 - *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
 - *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*
 - *All refrigerators, ice cream displays, hot water heaters, cupboards, shelving, counters and bars to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
 - *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.*
 - *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, ice cream displays, cool rooms and other cooling appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
 - *Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*
34. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works.***
35. *Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.*

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

36. *Adequate provisions are to be made within the premises for the storage, collection and disposal of commercial waste and recyclable material, to the satisfaction of Council.*
37. *A waste storage facility within the premises is to be designated for the storage of garbage and recycling bins. Once waste and recycling materials have been collected, bins must be returned to the designated waste storage facility.*

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

38. *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.

39. *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.*
40. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***
41. ***Prior to the commencement of any building works, the person having the benefit of the development consent must: -***
- i) *Appoint a Principal Certifying Authority for the building work; and*
 - ii) *Appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *Unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *Give at least two days notice to the Council, in writing, of the person's intention to commence building works.*
42. *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.

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

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

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

45. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, **prior to the issuing of a Construction Certificate**, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

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

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

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

- Protection Authority (EPA) and WorkCover NSW Guidelines;*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005).*

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

47. *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.*
48. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

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

49. *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.*
50. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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

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

Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

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

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

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

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

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

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

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

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

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

ADVISORY MATTERS:

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

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

A2 *The applicant is advised that the Construction Certificate plans and specification*

must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.

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

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

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

- A3 *The applicant shall be advised that Council may, in the future, be implementing a new policy (under Section 611 of the Local Government Act) wherein fees may apply for advertising in public airspace.*

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

8.4 DIRECTOR, CITY PLANNING REPORT 112/2006 - 112-124 ANZAC PARADE, KENSINGTON. (DA/788/05 & PROP019074)

392 **RESOLUTION: (Andrews/Notley-Smith) that:**

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/788/2005 & PROP019074 to Demolish the existing buildings on the site and erect a 6 storey mixed retail and residential development comprising 40 dwellings with 2 levels of basement carparking for a total of 68 vehicles. at 112-124 Anzac Parade, Kensington for the following reasons:-*
1. *The proposal is inconsistent with the following specific objectives for the Kensington Town Centre pursuant to Clause 42C(2) of Randwick Local Environmental Plan 1998:*
 - (a) *To achieve high quality design in all new development and improvements undertaken in the public domain;*
 - (d) *To encourage a variety of medium density housing forms which compliment the development within the town centre and does not impact adversely on surrounding residential areas;*
 - (g) *To ensure that social and cultural needs are considered with any development proposals in the town centre;*
 - (j) *To ensure appropriate conservation of the environmental heritage and recognition of the characteristics of buildings with architectural merit;*
 - (k) *To require and encourage environmentally sustainable approaches to future land use and development; and*
 - (l) *To improve the overall environmental quality of Kensington Town Centre.*
 2. *The proposed development is unacceptable in that it does not achieve the design quality principles outlined in State Environmental Planning Policy No. 65 in terms of*

context, scale, built form, density, energy efficiency, landscaping, amenity, security and aesthetics.

3. *The proposed development is unacceptable in that it is inconsistent with the performance criteria of the following parts of the Kensington Town Centre Development Control Plan 2002:*

<i>Part 4.2.3</i>	<i>Articulation Zone</i>
<i>Part 4.2.5</i>	<i>Building Location Zone</i>
<i>Part 4.3.2</i>	<i>Block 2: Goodwood Street to Ascot Street</i>
<i>Part 4.4</i>	<i>Accessibility</i>
<i>Part 4.6.2</i>	<i>Awnings</i>
<i>Part 4.6.4</i>	<i>Façade Composition and Articulation</i>
<i>Part 4.6.5</i>	<i>Materials and Finishes</i>
<i>Part 4.6.9</i>	<i>Rear Colonnades</i>
<i>Part 4.6.10</i>	<i>Roof Forms</i>
<i>Part 4.6.14</i>	<i>Visual Privacy</i>
<i>Part 4.7.2</i>	<i>Apartment Layout</i>
<i>Part 4.7.6</i>	<i>Floor to Ceiling Heights</i>
<i>Part 4.8.2</i>	<i>Energy Efficiency</i>
<i>Part 4.8.3</i>	<i>Lighting Efficiency</i>
<i>Part 4.8.4</i>	<i>Natural Ventilation</i>
<i>Part 4.8.6</i>	<i>Space Heating and Cooling</i>
<i>Part 4.9.1</i>	<i>Communal Open Space</i>
<i>Part 4.9.3</i>	<i>Private Open Space</i>

4. *The proposed development has not proposed adequate screening devices to minimise overlooking to 5-7 Ascot Street from west facing windows and balconies of dwellings on the Ascot Street section of the building.*

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

8.5 DIRECTOR, CITY PLANNING REPORT 113/2006 - 58 DUKE STREET, KENSINGTON. (DA/718/2006 & PROP021885)

- 393 **RESOLUTION: (Matson/Hughes)** *that this matter be deferred until the finalisation of the Council's flood study and for further consultation between the applicant and objector.*

MOTION: (White/Andrews) *that this application be deferred to the next Health, Building & Planning Committee meeting and delete the requirement for a flood study to be undertaken by the applicant.*

AMENDMENT: (Matson/Hughes) CARRIED AND BECAME THE MOTION.
MOTION CARRIED – SEE RESOLUTION.

8.6 DIRECTOR, CITY PLANNING REPORT 114/2006 - 2 MAYO STREET, LITTLE BAY (LOT 27). (DA/674/2006 & PROP051777)

- 394 **RESOLUTION: (Andrews/Notley-Smith)** *that:*

- A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A of the Randwick Local*

Environmental Plan 1998 (as amended), relating to heritage building envelopes, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

AND

B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0674/2006 for the Stage 2 redevelopment of Lot 27 at the Prince Henry site involving the refurbishment of the Matron Dickson Building including conservation works, alterations and adaptive reuse into 42 new dwellings landscaping, earthworks and strata subdivision at Lot 27 of the Prince Henry site at 2 Mayo Street, Little Bay, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered AR.DA.002 Issue A, AR.DA.004 Issue A to AR.DA.009 Issue A, dated August 2006 and stamped received by Council on 18 August 2006; and AR.DA.0114 Issue A, dated August 2006 and stamped received by Council on 18 August 2006; the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement 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 colours, materials and finishes of the external surfaces of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 18 August 2006.*

3. *Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*

4. *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.

5. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*

6. *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.*

7. *Power supply and telecommunications cabling to the development shall be underground.*
8. *An amended plan showing the provision of ventilation flues over the corridors of the units that are not cross-ventilated, shall be submitted to and approved by the Director - City Planning prior to a Construction Certificate being issued for the development.*

The following conditions are applied to ensure the archaeological and heritage issues are addressed:

9. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National parks and Wildlife Act may be required before work resumes.*
10. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
11. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*
12. *An archaeological assessment of the site is to be prepared in accordance with the Archaeological Assessment Guidelines produced by the NSW Heritage Office. The assessment should advise on the likelihood and potential significance of relics of the unidentified building formerly situated at the north west of the site, and recommend appropriate action in the context of the proposed development. The archaeological assessment is to be submitted as part of the Section 60 application.*
13. *A copy of any excavation permit required under Section 140 of the Heritage Act, 1977, shall be submitted as part of the Section 60 application.*
14. *The removed key/name board is to be relocated within the main entry vestibule on the eastern (front) side.*
15. *The removed memorial plaque should be reinstated to its original location.*
16. *A Schedule of Conservation Works for the former Matron Dixon Nurses Home shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted as part of the Section 60 application.*
17. *The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be*

carried out in accordance with the principles of the Australia ICOMOS Burra Charter.

18. *An archival recording of the building shall be prepared and submitted as part of the Section 60 application. This recording shall be in accordance with recommendations of the Godden Mackay Logan Conservation Management Plan for the site in relation to buildings of exceptional significance. As the building is of State significance, a copy of the archival recording should be lodged with Randwick City Council and the NSW Heritage Office.*
19. *Interpretation for the building is to be implemented in conjunction with the proposed development. Interpretation for the building is to be carried out in accordance with the interpretation strategy for the former Prince Henry site prepared by MUSEscape Pty. Ltd. Including provision of photographs in the entrance foyer of Matron Dixon and the former Nurses Home.*

The following conditions are applied to meet the requirements of the Heritage Council of NSW:

20. *The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 14 November 2006.*

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

21. *A total of 18 secure bicycle spaces shall be provided within the development site.*

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

22. *The Council's Development Engineer 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 footpath along the full site frontage.*
23. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*

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

24. *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.*
25. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

26. *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.*
27. *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.*
28. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.*

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

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

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

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

29. *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 (ie. above the 1 in 20 year storm) to the proposed drainage system.

- d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas**
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
30. *All stormwater run-off naturally draining to Lot 27 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.*
31. *Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve all stormwater leaving Lot 27 being discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the inter-allotment drainage system at rear of the site.*
32. *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.*
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. *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.*
35. *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) *Finished site contours at 0.2 metre intervals;*
 - b) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - c) *Details of any infiltration/absorption systems; and*
 - d) *Details of any pumping systems installed (including wet well volumes).*
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. *The applicant shall create suitable right of carriageway, easements for 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.*
40. *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.*
41. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

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

42. *The landscaped areas shown on the Landscape Plan prepared by Oculus, project number S06-017, drawing number LA-01, Issue A and dated 15/8/06, stamped received at Council on 18th August 2006, shall be the subject of detailed landscape drawings and specifications which are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA).*

*The plan shall be designed in accordance with the landscaping performance criteria and controls for the Historic Precinct, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004, and is to be submitted to, and be approved by, the certifying authority, **prior to a construction certificate being issued, with a copy of the approved plan to be forwarded to Council should Council not be the certifier for the site**, and will include the following:*

- 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 trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

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

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

Note: The planting schedule will be required to incorporate those species listed in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - h. *Tree planting in the outdoor visitor parking.*
43. *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, confirming that the landscape works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*
 44. *To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. The applicant will be required to demonstrate that the system will be connected to the sites rainwater tanks, with back up connection to the mains supply, to all current Sydney Water requirements, and relevant Australian Standards.*
 45. *Any substation required shall be screened from view. The proposed location, screening method and elevation shall be shown on all detailed landscape drawings and specifications.*
 46. *Any 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.

The following conditions are applied to provide adequate protection for bushland:

47. *The proposal shall not involve the removal of any native vegetation and shall not compromise the viability of the ecological community of Eastern Suburbs Banksia Scrub within the locality and region.*
48. *The proposal shall not involve the removal of any area of known habitat for the ecological community of Eastern Suburbs Banksia Scrub within the locality and region.*
49. *Any potential direct and indirect impacts shall be actively managed during the construction process, the Eastern Suburbs Banksia Scrub community will be fenced off, and any other relevant threatening processes will be managed by implementation of the Department of Environment and Conservation's Priorities Action Statement (PAS), the site specific Bushland Management Plan (BMP) and adherence to the relevant design controls of the Prince Henry DCP*
50. *There shall be no direct or indirect impacts on the ecological community of Eastern Suburbs Banksia Scrub from the action, and ongoing management activities to be implemented as part of the Bushland Management Plan for the Prince Henry site and shall aim to improve the condition of the ESBS remnant over time.*
51. *In order to protect the area of Eastern Suburbs Banksia Scrub (ESBS) beyond the eastern edge of the existing building leading down to Pavilion Drive, the requirements of the site specific, Prince Henry Bushland Management Plan (BMP) shall be complied with at all times.*
52. *In order to confirm such, a qualified and experienced Bushland Regenerator, with a minimum of 2000 hours field work, shall be engaged for the duration of the works to supervise all components which have the potential to impact on the ESBS, with all site staff required to comply with the Bush Regenerators instructions.*
53. *Upon completion of all site works, the Bush Regenerator will be required to provide written certification confirming compliance with the conditions of consent and any site instructions relating to the protection and preservation of the ESBS during the course of the proposed works, and shall be to the satisfaction of the certifying authority, prior to the issue of a final occupation certificate.*

The following conditions are applied to provide adequate tree management:

54. *All seven existing Phoenix canariensis (Canary Island Date Palms) along the eastern edge of the existing building shall be transplanted elsewhere within the site as has been shown on the submitted plans.*
55. *The applicant shall engage a professional Arborist ("the site Arborist"), who holds the minimum qualification of Certificate 4 in Arboriculture, and is a registered member of a nationally recognized organisation, to prepare a detailed report on the methods, machinery, after care and time frame associated with the proposed transplanting procedure, and is to be submitted to the satisfaction of the certifying authority, prior to the issue of a construction certificate.*

56. *The site Arborist will be required to be present on site during those parts of the proposed works which have the potential to impact the health of the seven palms, with all site staff to comply with the Arborists instructions.*
57. *Upon completion of all site works, written certification confirming compliance with the conditions of consent and any site instructions relating to the transplanting of the seven palms shall be provided, to the satisfaction of the certifying authority, prior to the issue of a final occupation certificate.*

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

58. *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.

59. *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.*
60. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
61. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
 - i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

62. *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.

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

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

64. *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.

65. *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.

66. *In accordance with clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- has been informed in writing of the licensee's name and contractor number; and*
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner-builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- has been informed of the person's name and owner-builder permit number, or*
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

*Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

67. *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.

68. *The fire safety upgrading works are to be implemented in accordance with the recommendations contained in the Building Code of Australia Assessment Report prepared by Hendry Group (NSW) Pty Ltd dated 17th August 2006 (Reference No 0600787).*
69. *All new building works must satisfy the relevant performance or deemed to satisfy provisions of the Building Code of Australia.*
70. *All the fire safety and building upgrading works and new building works, including all relevant alternative solutions as indicated in Section 9 of the report prepared by*

Hendry Group, must be detailed in the Construction Certificate Application for the development.

71. *The fire safety works must be carried out prior to the issuing of an Occupation Certificate for the development and written confirmation must be provided to Council which verifies that all upgrading works have been carried out in accordance with the conditions of consent (together with a Fire Safety Statement for all Essential Fire Safety Measures) prior to issuing of 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:

72. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority prior to the issuing of a construction certificate, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
73. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to occupation of the building, which confirms 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:

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

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

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

75. *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.*

76. *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.

77. *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.

78. *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.*

79. *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.*

80. *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.*

81. *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.

82. *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.

83. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*
- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

84. *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 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.

85. *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.*
86. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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.

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

*The public safety provisions and temporary fences must be in place **prior to the commencement of any 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.

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

87. *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.

88. *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.

89. *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.*
90. *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.*
91. *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.

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

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

93. *To provide reasonable access for persons with disabilities, suitable access ramp/s are to be provided from the entry to the premises and to the building entrance to the satisfaction of the certifying authority and details are to be included in the construction certificate.*

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

94. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space* \$20,319.26
 - b) *for the provision or improvement of community facilities* \$8984.44
 - c) *Administration fee* \$425.00

The contribution must be paid in cash or by bank cheque prior to a construction certificate being issued

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

ADVISORY MATTERS:

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

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

- | | | | |
|-----|------------------|---|---|
| a) | Part B1 | - | Structural provisions |
| b) | Part C1 | - | Fire resistance and stability |
| c) | Part C2 | - | Compartmentation and separation |
| d) | Clause C2.6 | - | Vertical separation of openings in external walls |
| e) | Part C3 | - | Protection of openings |
| f) | Clause C3.2&C3.4 | - | Protection of openings in external walls |
| g) | Part D1 | - | Provisions for escape |
| h) | Clause D1.2 | - | Number of exits required |
| i) | Clause D1.3 | - | When fire-isolated exits are required |
| j) | Clause D1.4 | - | Exit travel distances |
| k) | Clause D1.5 | - | Distance between alternative exits |
| l) | Part D2 | - | Construction of exits |
| m) | Clause D2.4 | - | Separation of rising and descending stair flights |
| n) | Part D3 | - | Access for people with disabilities |
| o) | Clause D3.5 | - | Car parking for people with disabilities |
| p) | Part E1 | - | Fire fighting equipment |
| q) | Part E2 | - | Smoke Hazard Management |
| r) | Part E3 | - | Lift Installations |
| s) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| t) | Part F1 | - | Damp and weatherproofing |
| u) | Part F2 | - | Sanitary and other facilities |
| v) | Part F3 | - | Room sizes |
| w) | Part F4 | - | Light and ventilation |
| x) | Part F5 | - | Sound Transmission and Insulation |
| y) | Section G | - | Ancillary Provisions |
| z) | Part G2 | - | Heating appliances, fireplaces, chimneys & flues |
| aa) | Section H | - | Special Use Buildings |
| ab) | 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 (as applicable) prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

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

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

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

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

8.7 DIRECTOR, CITY PLANNING REPORT 115/2006 - 20 PAULING AVENUE, COOGEE. (DA/584/2006 & PROP034871)

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RESOLUTION: *(Notley-Smith/Andrews) that Council as the responsible authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/584/2006 for Alterations and additions to an existing dwelling to extend the first floor level to the front of the dwelling including a new first floor balcony and new window at ground level on the southern elevation. at 20 Pauling Avenue, Coogee NSW 2034 subject to the following conditions:-*

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

- 1. The development must be implemented substantially in accordance with the plans numbered 35/06, dated 20/6/06 and received by Council on 20th July 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
- 2. The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
- 3. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
- 4. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.*

5. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*
6. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

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

7. *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.*
8. *New external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

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

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

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

10. *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.

11. *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.*
12. ***Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.***
13. ***Prior to the commencement of any building works, the person having the benefit of the development consent must: -***

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

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

- 14. *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.

- 15. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
 - *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*

- name, address and telephone number of the Principal Certifying Authority; and
- a statement stating that “unauthorised entry to the work site is prohibited”.

16. *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.

17. ***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.

18. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA): -

- has been informed in writing of the licensee’s name and contractor number; and
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or

Where the work to be done by any other person (i.e. an owner-builder), excavation or building work must not be carried out unless the Principal Certifying Authority: -

- has been informed of the person’s name and owner-builder permit number; or
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.

*Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

19. *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.

20. *Smoke alarms are required to be installed in each Class 1 building or residential dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans/specification for the **construction certificate**.*

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

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

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

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

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

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

24. *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.*

25. *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.

26. *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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32. *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.

33. *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.*
34. *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.*
35. *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.

ADVISORY MATTERS:

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

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

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

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

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

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

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

8.8 DIRECTOR, CITY PLANNING REPORT 116/2006 - PROPOSED TELECOMMUNICATIONS DEVELOPMENT CONTROL PLAN. (F2004/06447)

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

- a) *a new development control plan be prepared under s74C of the Environmental Planning and Assessment Act, 1974 to incorporate controls for telecommunication and radiocommunication facilities in Randwick City; and*
- b) *the expenditure of \$12,000.00 to prepare and exhibit the draft DCP Telecommunication and Radiocommunication Facilities be endorsed.*

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

9. DIRECTOR, CITY SERVICES' REPORTS.

9.1 DIRECTOR, CITY SERVICES' REPORT 91/2006 - NEW FOOTPATH CONSTRUCTION - VICTORIA STREET, MALABAR. (F2006/00420)

397 **RESOLUTION:** (*Andrews/Notley-Smith*) that the footpath be built as per the original design which is to construct the footpath on the southern side of Victoria Street, Malabar.

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

9.2 DIRECTOR, CITY SERVICES' REPORT 92/2006 - PIONEER PARK CLOSED LANDFILL - REMEDIATION COMMUNITY CONSULTATION. (F2005/00890)

Cr Belleli previously declared a non pecuniary interest in this matter and did not take part in the discussion of or voting thereon.

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

- a) notes that a community consultation has been carried out on a concept for remediation and landscaping of the closed landfill at Pioneers Park;
- b) agrees that the upper tier of the closed landfill be remediated, landscaped to accommodate two sports field and an open space area for off-leash dog walking and the proposed car park be moved further south along Anzac Parade; and
- c) funds the shortfall of the remediation cost from the Domestic Waste Reserve.

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

9.3 DIRECTOR, CITY SERVICES' REPORT 93/2006 - COMMERCIAL CENTRE STREETScape IMPROVEMENT WORKS AT HAVELOCK AVENUE PRECINCT, HIGH CROSS PRECINCT (EXCLUDING THE PARK) AND MALABAR JUNCTION PRECINCT. (F2005/00411)

399 **RESOLUTION:** (*Notley-Smith/Belleli*) that Council calls for tenders in June, 2007 with the intention of funding and construction of the streetscape improvements works in Malabar Junction (both sides), Havelock Avenue and High Cross precincts, as part of the 2007/08 Budget.

MOTION: (*Belleli/Notley-Smith*) that Council call tenders immediately with the intention of funding and construction of the streetscape improvements works in Malabar Junction (both sides), Havelock Avenue and High Cross precincts. **LOST.**

A division was called for by Crs Belleli and Notley-Smith. Voting was as follows:-

For	Against
Belleli	Andrews
Kenny	Bastic
Matson	Hughes
Nash	Procopiadis
Notley-Smith	Sullivan
Seng	Mayor, Cr. P. Tracey (used casting vote)
Woodsmith	White

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

10. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT.

10.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 80/2006 - AMENDED PRIVACY MANAGEMENT PLAN. (F2004/06689)

400 **RESOLUTION: (Andrews/Notley-Smith) that:**

- a) *Council adopt the amended Privacy Management Plan, as distributed; and*
- b) *the amended Privacy Management Plan be forwarded to the Privacy Commissioner of NSW in accordance with Clause 33 of the Privacy & Personal Information Protection Act 1998.*

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

11. PETITIONS.

Nil.

12. MOTIONS PURSUANT TO NOTICE.

12.1 MOTION BY COUNCILLOR MATSON – RESPONSE TO TOTAL ENVIRONMENT CENTRE CALL FOR RECOVERING E-WASTE COLLECTION COSTS. (F2004/06098 XR F2005/00171)

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

- a) *Council call on the NSW Government to require manufacturers to collect and recycle waste computers as enabled under the WARR Act; and*
- b) *A report is brought forward to a future meeting looking at the option of Council initiating a “return to sender” action where an account for the cost and/or responsibility for e-waste collected by Council or its waste contractors is given to computer manufacturers either symbolically or in reality.*

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

12.2 MOTION BY COUNCILLOR MATSON – CLEAN UP AUSTRALIA DAY ACTIVITIES AT LITTLE CONGWONG BEACH. (F2006/00029 XR F2005/00304 XR F2005/00171)

402 **RESOLUTION: (Matson/Woodsmith) that Council write to the Cleanup Australia Day organisers stating that it would prefer that the cleanup of Little Congwong Beach be organised and carried out by a local resident group such as the local precinct committee as it has been done in the years prior to last year's clean up.**

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

12.3 MOTION BY COUNCILLOR MATSON – COMPARISON OF GREENPOWER SCHEMES. (F2005/00230 XR F2005/00171)

403 **RESOLUTION:** (*Matson/Hughes*) that Council recognises the dynamic nature of the emerging Greenpower energy industry by using its website to publish a regularly updated list of web links to the various products currently available with a brief introduction to what constitutes both renewable energy and accredited Green Power.

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

12.4 MOTION BY COUNCILLOR MATSON – BUSKING COMPETITION. (F2004/07096 XR F2005/00171)

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

- a) *the General Manager be delegated authority to set up a busking competition with a first prize of \$500.00 for professionals and \$1,000.00 for locals as part of the 2007 Events Program; and*
- b) *the short list of possible venues should include Lexington Place.*

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

12.5 MOTION BY COUNCILLOR MATSON – RETENTION OF FORESHORE BEACH. (F2004/07974 XR F2005/00171)

This motion was withdrawn with the consent of Council.

12.6 MOTION BY COUNCILLOR MATSON – REMOVAL OF ASBESTOS FROM THE 9FSB BUILDING ON THE BUNDOCK STREET SITE. (F2004/06778 XR F2005/00171)

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

- a) *Council notes that the Community Reference Group for the Bundock Street redevelopments did not have sufficient time to consider the safety measures for the asbestos removal from the 9FSB building on the site because the removal had already commenced prior to the Group meeting; and*
- b) *Council brings the matter to the attention of the Department of Defence and the Local Federal MP's as a matter of priority.*

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

12.7 MOTION BY COUNCILLOR MATSON – IMPACT OF PROPOSED RESIDENTIAL DEVELOPMENT FOR 155-157 ARDEN STREET, COOGEE ON HISTORIC SANDSTONE RETAINING WALL AND THE STREETScape OF ARDEN STREET. (DA/611/2006 XR F2005/00171)

Cr Sullivan declared a non pecuniary interest in this matter as he lives in close proximity to this site.

406 **RESOLUTION:** (*Matson/Hughes*) that a community consultation process be commenced in the new year to solicit community feedback on the independent advice currently being

sought by Council on the proposal to realign the historic Arden Street sand stone retaining walls to permit off street parking on the proposed 155-157 Arden Street development site.

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

12.8 MOTION BY COUNCILLOR MATSON – INTERPRETATION OF SECTION 2.1 OF COUNCIL’S FOOTPATH DINING & TRADING DCP 2004. (F2004/07507 XR F2005/00171)

MOTION: (Matson/Hughes) that:

- (a) Council adopt a policy of interpreting Section 2.1 of Council’s Footpath Dining & Trading DCP (2004) to mean as it literally reads. This being that restaurants or cafes may not use a part of the footpath in front of an adjacent business for outdoor dining; and
- (b) Council amend (by exhibition of a draft DCP) section 2.1 of Council’s Footpath Dining & Trading DCP (2004) to make it explicit that restaurants or cafes may not use a part of the footpath in front of an adjacent business for outdoor dining except with the concurrence of that adjacent business. **LOST.**

A division was called for by Crs Matson and Hughes. Voting was as follows:-

For	Against
Hughes	Andrews
Matson	Bastic
Woodsmith	Belleli
	Daley
	Kenny
	Nash
	Notley-Smith
	Procopiadis
	Seng
	Sullivan
	Mayor, Cr. P. Tracey
	White

13. CONFIDENTIAL REPORTS.

13.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 94/2006 - CIVIC IMPROVEMENTS LEXINGTON PLACE, MAROUBRA. (PROJ/10176/2006)

407 **RESOLUTION: (Andrews/Notley-Smith) that:**

- a) *The Tender from Sam The Paving Man is accepted for Civic Improvement Works, Lexington Place, Maroubra T25/06 and that Council enter into a Contract under Clause 19 of the Local Government (Tendering) Regulation 2005;*
- b) *authority is granted for the General Manager in conjunction with the Mayor, to sign and affix Council’s Common Seal to enter into a contract on behalf of Council with the recommended Tenderer for Civic Improvement Works, Lexington Place, Maroubra T25/06;*

- c) *The unsuccessful Tenderers will be notified of the Tender result; and*
- d) *Funds of \$295,000.00 reallocated from the Streetscape budget of Havelock Avenue, Malabar Junction and High Cross to the Lexington Place Project.*

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

13.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 95/2006 - TENDER T17/2006 SUPPLY OF TWO REAR LOADING GARBAGE COMPACTOR TRUCKS. (F2006/00421)

408 **RESOLUTION: (Andrews/Notley-Smith) that:**

- a) *Council accept the tender submitted by Best Hino for the supply and delivery of two Ranger Pro 14 long auto Ace cab chassis with MacDonald Johnston JP5 28³ compactor units to be supplied by MacDonald Johnston incorporating “Elphinstone” load cells; and*
- b) *Authority is granted to the General Manager in conjunction with the Mayor, to sign and affix Council’s Common Seal on the contract documents.*

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

13.3 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 96/2006 - SSROC CONTRACT FOR ROAD CONSTRUCTION MATERIALS - TENDER EVALUATION REPORT. (F2004/08185)

409 **RESOLUTION: (Andrews/Notley-Smith) that:**

- a) *Council accept the following tenders to supply the various road construction materials goods and services for the period 1 December 2006 or thereafter, and expiring 30 September 2008 with one year option to extend provided that the tenders comply with all Contract Documentation and Council is satisfied with the Contractors performance of works under contract:*

<i>Good/Service</i>	<i>Preferred Tender</i>
<i>Recycled Concrete Supply Only (3 tenders max.)</i>	<i>Metropolitan Demolition Concrete Recyclers</i>
<i>Recycled Concrete Delivery (1 tender max)</i>	<i>Benedict</i>
<i>Spray Sealing</i>	<i>SAMI Road Services</i>
<i>Stabilisation</i>	<i>Tropic Asphalts</i>
<i>Asphalt Supply (3 tenders max.)</i>	<i>Pioneer Road Services</i>

	<i>Tropic Asphalts</i>
	<i>Works Infrastructure</i>
<i>Asphalt Surfacing</i>	<i>Works Infrastructure</i>
<i>Pavement Patching</i>	<i>Works Infrastructure</i>
<i>Profiling</i>	<i>Works Infrastructure</i>

- b) *authority is granted to the General Manager in conjunction with the Mayor, to sign and affix Council's Common Seal on the contract documents.*

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

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 8.15 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 27TH FEBRUARY, 2007.

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CHAIRPERSON