

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 11TH DECEMBER, 2007 AT 6:10 P.M.**

PRESENT:

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

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

North Ward	-	Crs P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Cr D. Sullivan (from 6.18 pm)
West Ward	-	Crs B. Hughes, S. Nash, & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng (from 6.14 pm)

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.
Communications Manager	Ms. D. Brien.
Manager, Development Assessment	Mr. K. Kyriacou.
Manager, Information Technology	Mr. G. Curley.
Manager, Technical Services	Mr. M. Shaw.
Manager, Library Services	Ms. B. Todes.
Manager, Organisational Policy & Performance	Ms. K. Walshaw.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Cr Nash. The Acknowledgement to Local Indigenous People was read by Cr Woodsmith.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Daley and Kenny.

RESOLVED: (White/Procopiadis) that the apologies from Crs Daley and Kenny for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 11th December, 2007 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 27TH NOVEMBER, 2007.

377 **RESOLUTION: (Nash/Woodsmith)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 27th November, 2007 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Hughes declared a non pecuniary interest in Item 8.5 as he is a financial member of the Coogee Legion Club. Cr Hughes will be taking part in debate of and voting on the matter.
- (b) Cr Matson declared a non pecuniary interest in Item 8.5 as he is a financial member of the Coogee Legion Club. Cr Matson will be taking part in debate of and voting on the matter.
- (c) The Mayor, Cr. B. Notley-Smith and Crs Belleli, Nash and Seng all declared non pecuniary interests in Item 8.2 as a relative of the applicant donated to the Liberal Party at the last election. All Councillors will be taking part in debate of and voting on the matter.
- (d) Cr Belleli declared a non pecuniary interest in Item 6.11 as his wife's performing arts group will be performing at this event free of charge. Cr Belleli will be taking part in debate of and voting on the matter.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 8.2 DIRECTOR, CITY PLANNING REPORT 120/2007 –
60 DENNING STREET, SOUTH COOGEE.

The Objector Ms Mary Quilkey

Item 8.3 DIRECTOR, CITY PLANNING REPORT 121/2007 –
13 BUMBORAH POINT ROAD, MATRAVILLE.

The Applicant Mr Peter Noble

Item 8.4 DIRECTOR, CITY PLANNING REPORT 122/2007 -
5-9 WOLSELEY ROAD, SOUTH COOGEE.

The Objector Mr John McFadden - Don Fox Planning

The Applicant Mr Dennis Rabinowitz

Item 8.5 DIRECTOR, CITY PLANNING REPORT 123/2007 –
200 - 210 ARDEN STREET, COOGEE.

The Objector Ms Marie McMahon

The Applicant Rev Craig Segarertt

The meeting was adjourned at 6.44 p.m. and was resumed at 6.58 p.m.

RESOLVED: PROCEDURAL MOTION (Bastic/Nash) that all development applications be brought forward and dealt with as the first items of business on the agenda for the benefit of the public gallery.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 128/2007 - VOLUNTEERING PARTNERSHIP PROJECT ON NAMATJIRA PUBLIC HOUSING ESTATE. (F2006/00412)

378 **RESOLUTION:** *(Mayor, Cr. B. Notley-Smith)* that Council make the following contributions towards the project:

- a) *Provision of native plant stock from Council's nursery to the value of \$500.00 from the Council Contingency Fund; and*
- b) *Provide local information and general support during the planning and development stage of the project.*

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

6.2 MAYORAL MINUTE 129/2007 - RESTORATION OF WAR MEMORIAL CORNER ANZAC PARADE AND HAIG STREET, MAROUBRA. (F2004/00907)

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

- a) *Council undertake works to improve the landscaping surrounding the War Memorial on the corner of Anzac Parade and Haig Street, Maroubra Junction. These works include removal of trees, returfing and general landscaping; and*
- b) *these works be funded from the Council Contingency Fund 2007/08.*

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

6.3 MAYORAL MINUTE 130/2007 – COOGEE ARTS FESTIVAL. (F2004/07550)

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

- a) *Council vote \$10,596.50 to cover the fees associated with the 2008 Coogee Arts Festival and funds be allocated from the Council Contingency Fund 2007/08;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the events; and*
- c) *the Mayor's representative shall be given the opportunity to address the events on behalf of Council.*

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

6.4 MAYORAL MINUTE 131/2007 – KEEP AUSTRALIA BEAUTIFUL NSW – 2008 CLEAN BEACHES CHALLENGE. (F2006/00597)

381 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that Council thank the Keep Australia Beautiful NSW organisation for selecting two of Council's beaches for the prestigious Sydney Region awards and awarding Council with three Highly Commended awards.**

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

6.5 MAYORAL MINUTE 132/2007 – WAIVER OF SECURITY BOND FOR HIRE OF HALL BY SOS PRE-SCHOOL. (F2004/07674)

382 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that the security bond payable by S.O.S. for future use of the Randwick Community Centre be held in trust to cover all future bookings.**

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

6.6 MAYORAL MINUTE 133/2007 – WAIVING OF FEES – BANNER – RAINBOW STREET PUBLIC SCHOOL. (F2004/06257)

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

- a) *the fees associated with the installation and dismantling of a banner for the Rainbow Street Public School (on the flagpole on the corner of Alison Road and*

Doncaster Avenue), be waived and \$2,134.90 be allocated from the Council Contingency Fund 2007/08;

- b) the wording of the banner be presented to Council for approval prior to being ordered; and*
- c) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

6.7 MAYORAL MINUTE 134/2007 – WAIVING OF FEES – BANNER – LEARNING LINKS. (F2004/06257)

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

- a) the fees associated with the installation and dismantling of a banner be waived and \$2,134.90 be allocated from the Council Contingency Fund 2007/08;*
- b) the wording of the banner be presented to Council for approval prior to being ordered; and*
- c) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

6.8 MAYORAL MINUTE 135/2007 – WAIVING OF FEES – BANNER – LIFESTART P&F. (F2004/06257)

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

- a) the fees associated with the installation and dismantling of a banner be waived and \$1,134.90 be allocated from the Council Contingency Fund 2007/08;*
- b) the wording of the banner be presented to Council for approval prior to being ordered; and*
- c) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

6.9 MAYORAL MINUTE 136/2007 – FINANCIAL SUPPORT REQUEST – LA PA DIVAS QUEENSLAND WORKSHOP. (F2006/00216)

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

- a) Council agree to provide \$1,500.00 to assist with the associated costs of attending the Queensland workshop and funds be allocated from the Community and Programs and Partnerships budget 2007/08; and*
- b) the coordinator of the activity undertakes to appropriately and prominently acknowledge and promote Council's contribution toward the attendance at the workshop.*

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

6.10 MAYORAL MINUTE 137/2007 – COOGEE SURF LIFE SAVING CLUB - SURF CARNIVAL. (F2004/08286)

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

- a) *Council vote \$1,179.10 to cover the fees associated with the holding of the Annual Coogee Carnival to be held on Saturday 2 February, 2008 and that the funds be allocated from the 2007/2008 Contingency Fund;*
- b) *the organiser of the Carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and*
- c) *the Mayor or his representative be given the opportunity to address the Surf Carnival on behalf of Council.*

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

6.11 MAYOR'S MINUTE 138/2007 – WAIVING OF FEES – CAROLS BY CANDLELIGHT – SOUTH MAROUBRA VILLAGE GREEN. (F2004/07079)

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

- a) *Council vote \$2,964.00 to cover the fees associated with the event and funds be charged to the Contingency Fund 2007/2008;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor, or his representative, be given the opportunity the address the "Carols By Candlelight" on behalf of Council.*

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

6.12 MAYORAL MINUTE 139/2007 – MEMBERSHIP OF THE ENVIRONMENT COMMITTEE. (F2005/00775)

389 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that Councillor Belleli be nominated as an additional delegate on the Environment Committee for the period from February 2008 to September 2008.**

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

6.13 MAYORAL MINUTE 140/2007 – WAIVING OF FEES – SURF LIFE SAVING SYDNEY – SURFING COMPETITION. (F2004/08302)

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

- a) *Council vote \$552.30 to cover the fees associated with this surfing activity to be held at Maroubra Beach on Saturday, 15th December, 2007 and funds be allocated from the Contingency Fund 2007/2008;*
- b) *the event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

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

6.14 MAYORAL MINUTE 141/2007 – EXCELLENCE IN ENVIRONMENT AWARD RECOGNITION FOR RANDWICK. (F2007/00485)

391 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that the report be received and noted.**

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

6.15 MAYORAL MINUTE 142/2007 – RESULTS OF NAMING COMPETITION FOR RANDWICK'S ADOPTED HUMPBACK WHALE. (F2004/08272)

392 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that the report be received and noted.**

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

6.16 MAYORAL MINUTE 143/2007 – RANDWICK CITY COUNCIL'S SURF SENSE SCHOOL PROGRAM TO EDUCATE TEMORA PRIMARY SCHOOL STUDENTS. (F2005/00294)

393 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that the report be received and noted.**

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

6.17 MAYORAL MINUTE 144/2007 – CHINESE NEW YEAR CELEBRATION. (F2004/07079)

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

- a) *Council organise and host celebrations for the 2008 Chinese New Year;*
- b) *an organisation committee of Councillors, appropriate staff members and member(s) of the Chinese community be formed to decide on the date for the hosting of the celebrations, the location of the celebrations and the type of celebrations to be held;*
- c) *the Council delegate authority to the Mayor and General Manager to decide on the make-up of the organisation committee; and*
- d) *sufficient funds be allocated from the Council's Contingency funds to enable the organisation and hosting of the 2008 Chinese New Year celebrations by the Council.*

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

6.18 MAYORAL MINUTE 145/2007 – PUBLIC ARTS PROGRAM. (F2004/07110)

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

- a) *Council adopt a Public Arts Program and that appropriate funding be considered in the 2008-09 budget for the first year of the program;*
- b) *an appropriate selection process be developed for the selection/commissioning of Council's public art works;*
- c) *funding opportunities for this program be explored; and*
- d) *any interested councillors attend the Perth conference on "Sculpture in Public Space" in March 2008 as well as a staff member nominated by the General Manager.*

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

7. URGENT BUSINESS.

7.1 URGENT BUSINESS – CR BASTIC – GRANTING OF PUBLIC HOLIDAY FOR COUNCIL STAFF ON CHRISTMAS EVE 2007. (F2004/06565)

396 **RESOLUTION: (Bastic/Sullivan)** that as the vast majority of businesses in New South Wales are being given Christmas Eve off as a public holiday, and as a thank you to all Council staff for their tremendous efforts in 2007, the staff Christmas Party now be held on Friday 21st December, 2007 with the Monday 24th December, 2007 being declared a public holiday for all staff.

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

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 119/2007 - 42-48 PINE AVENUE, LITTLE BAY. (DA/815/2007 & PROP051986)

397 **RESOLUTION: (Belleli/Andrews)** that Council assume the concurrence of the Director of the Department of Planning to vary the provisions of Clause 30A of the Randwick Local Environmental Plan 1998 (as amended) relating to maximum building height, maximum external wall height and floor space ratio under State Environmental Planning Policy No. 1 and, 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/815/2007 at 42-48 Pine Avenue, Little Bay 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 in the following table except as may be amended by the following conditions and as may be shown in red on the attached plans.

Plan reference no.	Revision no.	Date on plan or document	Date received by Council
Site plan, Building envelope diagram, A31-01	I	19 September 2007	27 September 2007
Basement and ground floor, A31-02	J	19 September 2007	27 September 2007
Level 1, 2 and 3, A31-03	J	19 September 2007	27 September 2007
Roof plan, A31-04	J	19 September 2007	27 September 2007
North/south elevation, A32-01	J	19 September 2007	27 September 2007
Section A, B and C, A33-01	J	19 September 2007	27 September 2007
Section D and E, East and west Elevation, A33-02	J	19 September 2007	27 September 2007
Landscape plan, 30-DA01	-	25 September 2007	27 September 2007

2. The colours, materials and finishes of the external surfaces to the building must be implemented substantially in accordance with the external finishes sample board prepared by Architectus titled "Prince Henry Little Bay – Lot 30", dated September 2007 and received by Council on 27 September 2007.
3. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.

4. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
5. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.*
6. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.*
7. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

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

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

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

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

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

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

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

Category	Cost	Applicable Levy	S94A Levy
<i>Development cost \$100,001 - \$200,000</i>	<i>Not applicable.</i>	<i>0.5%</i>	<i>Not applicable.</i>
<i>Development Cost More than \$200,000</i>	<i>\$241,500</i>	<i>1.0%</i>	<i>\$2,415</i>

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

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

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

10. *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.*
11. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.*

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

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

12. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*

- *Stormwater management (i.e. rainwater tanks)*
- *Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)*
- *Landscaping provisions*
- *Thermal comfort (i.e. construction materials, glazing and insulation)*
- *Energy efficiency (i.e. cooling & heating provisions and hot water systems)*

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.*

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

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

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

In this regard, the operation of the plant and equipment (excluding plant and equipment during the construction phase) shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

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

of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.

16. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

The following conditions are applied to maintain the heritage significance and amenity of the premises and locality:

Aboriginal Archaeology

17. *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.*
18. *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.*
19. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

Historical Archaeology

20. *Prior to commencement of any subsurface disturbance (excavation), all those involved are to be made aware of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW);*
21. *In the event that historical archaeological remains or deposits are exposed during the works, the excavation work shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW notified under the requirements of the Heritage Act.*

Geological Heritage

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

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

23. *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.

24. *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.*

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

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

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

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

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.

27. *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.

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

- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may*

be contacted outside working hours, or owner-builder permit details (as applicable)

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

29. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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

30. *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.

31. *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.

32. *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.

33. *A Fire Safety Certificate must be submitted to Council prior to the issuing of an Occupation Certificate, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.*

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

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

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

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

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

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

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

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

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

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

36. *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.*

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

proposed methods of construction to overcome any potential damage to nearby land/premises.

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

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

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

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

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

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

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

41. *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.

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

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- *preserve and protect the building /s on the adjoining land from damage; and*
- *effectively support the excavation and building; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.*

Notes

- *This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:*
 - a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
 - b) *an access order under the Access to Neighbouring Land Act 2000, or*
 - c) *an easement under section 88K of the Conveyancing Act 1919, or*
 - d) *an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.*
- *Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).*

43. *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.

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

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

45. *A report prepared by a suitably qualified and experienced person shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council upon commencement of works or as otherwise specified by the PCA or*

Council, certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

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

46. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:*
- a) *The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.*
 - b) *Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
 - c) *Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.*
 - d) *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.*
 - e) *A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
 - f) *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-*
 - *Install or erect any site fencing, hoardings or site structures*
 - *Operate a crane or hoist goods or materials over a footpath or road*
 - *Placement of a waste skip or any other container or article on the road, nature strip or footpath.*
 - g) *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.*
 - h) *A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.*

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

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

- i) *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.*
47. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
48. *A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- location and construction of protective fencing / hoardings to the perimeter of the site;*
 - location of site storage areas/sheds/equipment;*
 - location of building materials for construction;*
 - provisions for public safety;*
 - dust control measures;*
 - site access location and construction*
 - details and methods of disposal of demolition materials;*
 - protective measures for tree preservation;*
 - provisions for temporary sanitary facilities;*
 - location and size of waste containers/bulk bins;*
 - details of proposed sediment and erosion control measures;*
 - construction noise and vibration management;*
 - construction traffic management provisions.*

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

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

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

Dust control measures and practices may include: -

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

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

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

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

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

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. *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.

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

- *Australian Standard 2601 (2001) – Demolition of Structures*
- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW – Guidelines and Codes of Practice*
- *Randwick City Council's Asbestos Policy*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*

53. *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 the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition works. A copy of the Demolition Work Plan must be forwarded to Council and a copy must also be maintained on site and be made available to Council officers upon request.

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

- a) *Randwick City Council's Asbestos Policy (adopted 13 September 2005).*

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

- b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 50 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*
- c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.*
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.*
- e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works prior to an Occupation Certificate being issued, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.*

The following condition is applied to provide reasonable levels of access for people with disabilities:

- 55. Access and provisions for people with a disability are to be provided to the development generally in accordance with the relevant requirements of Section 6.2 of Council's Development Control Plan for The Prince Henry site, AS 1428.1 – Design for Access and Mobility and AS 4299 – Adaptable Housing. Details are to be included in the Construction Certificate to the satisfaction of the certifying authority.*

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

- 56. A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. An "Unexpected Finds Protocol" forms part of these documents and shall be complied with as part of this consent. Copies of the SAS and Unexpected Finds Protocol shall be included in all leases and sales contracts.*
- 57. The builders, site workers and the Principal Certifying Authority for this development are to be made aware of this unexpected finds protocol and its requirements prior to any works commencing.*
- 58. Details of any unexpected finds, including the details of any investigation procedures, remedial actions and validation undertaken shall be forwarded to the Council accordingly.*

59. *Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
60. *Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
61. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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

62. *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.*
63. *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).*
64. *The acoustic report titled "Super lot 30 Prince Henry at Little Bay – Acoustic Report for DA Submission" report number 20C-07-0122-TRP-247201-1, prepared by Vipac Engineers and Scientists Ltd dated 20 September 2007, and the recommendations contained within, form part of this consent.*
65. *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.*
66. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to a Occupation Certificate being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

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

67. *The applicant is to engage the services of a suitably qualified environmental consultant (or similar) to respond to enquiries and complaints made by the community, the general public or Council in relation to Noise, Contamination, remediation, excavation and construction site management matters.*
68. *A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number). A complaints register is to be maintained to record all such enquiries, complaints and actions*

taken in response to these enquiries and complaints. This register shall be made available to council officers upon a reasonable request.

69. The use and operation of the plant and equipment within the building shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

SECURITY DEPOSIT CONDITIONS

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

70. 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:

1. \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

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

TRAFFIC CONDITIONS/CIVIL WORKS CONDITIONS

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

71. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:

1. Construct a full width concrete **heavy duty** vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
2. Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.

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

73. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works".*
74. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
75. *The driveway opening at the Lister Avenue frontage must be a minimum of 5.5 metres wide and located at least 1.0 metre clear of the side property.*
76. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay.*
77. *The vehicular access, ground level visitor carparking and the basement carpark (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement.*
78. *A Works Zone is to be provided in Lister Avenue for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

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

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

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

ALIGNMENT LEVEL CONDITIONS

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

80. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundaries for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full Pine Avenue, Lister Avenue and Pavilion Drive site frontages.*
81. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*

Service Authority Conditions

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

82. *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.*
83. *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.*
84. *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.*
85. *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.*

Drainage Conditions

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

86. **Stormwater drainage plans have not been approved as part of this development consent.** *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*

- i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
- e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
- f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
- g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
87. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
88. *Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater runoff from Lot 30 being discharged through the site's underground drainage system into the underground drainage system in Lister Avenue, (connect into the existing drainage pit located in Lister Avenue, adjacent to the vehicular crossing).*
89. *A reflux valve shall be provided (within the site) over any pipelines discharging from the site into the future Council controlled drainage system to ensure that stormwater from the future Council controlled drainage system does not surcharge back into the site stormwater system.*
90. *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.*
91. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
92. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*
- The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*
93. *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.

94. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.*
 - b) *The car washing bay must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bay may be located within the visitor parking spaces provided they are signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - d) *The car washing bay/s must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*
 - e) *A water tap shall be located adjacent to the car washing bay/s.*
95. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
 - *Details of any infiltration/absorption systems; and*
 - *Details of any pumping systems installed (including wet well volumes).*
96. *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.

97. **As the above site may encounter groundwater/seepage water within the depth of the basement excavation** the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes: -

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

Waste Management Conditions

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

98. The garbage room areas will have to be designed so as to be able to contain a total of 16 x 240 litre bins (8 garbage bins & 8 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
99. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
100. The waste storage areas shall be clearly signposted.
101. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

Strata Subdivision Conditions

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

102. The applicant shall create suitable right of carriageway, easements for access, services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
103. All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.

104. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the strata subdivision plans.*
105. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

Landscape Conditions

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

106. *Detailed landscape drawings and specifications which have been prepared 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, shall be submitted to, and be approved by the certifying authority, **prior to a construction certificate being issued. A copy of the approved plan shall be forwarded to Council if Council is not the certifier for the site.***

The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

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

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

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

the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.

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

- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - i. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
 - j. Location of easements within the site and upon adjacent sites (if any).*
- 107. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

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

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

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

- 109. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
- 110. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

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

NSW Heritage Office General Terms of Agreement

All work shall comply with the following documentation:

- *Survey Plan Drawing No. D322-001 by Whelans dated 2 February 07; Drawing Nos A30-01, 02, 03 and 04; A31-01, 02, 03, 04; A32-01; A33-01, 02 by Architectus dated 17 September 2007; Landscape Plan No.30-DA01 by Architectus dated 25th September 2007.*
- *Heritage Impact Statement, Lot 30, Prince Henry Site by Tanner Architects dated September 2007.*
- *Development Application Statement of Environmental Effects by Stockland dated September 2007.*

AND EXCEPT AS AMENDED by the following conditions of this consent:

Site Protection

112. *Significant landscape elements are to be adequately protected during the works from potential damage. Protection systems must ensure that the works do not generate any adverse impacts on the Eastern Suburbs Banksia Scrubs. A methodology describing the protection of significant landscape elements during the work is to be prepared and included in a Master Program and Site Co-ordination Plan (or Work Plan) and submitted to Randwick Council for approval with the Construction Certificate.*

Aboriginal Archaeology

113. *Any ground disturbance and excavation undertaken as part of the proposed works is to be undertaken in consultation with the La Perouse Local Aboriginal Land Council (LPLALC) and, where requested, be subject to LPLALC and archaeological monitoring.*
114. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW 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.*
115. *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 undertaken by the nominated heritage consultant, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
116. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

Historical Archaeology

117. *If any relics of state significance are uncovered, further excavation must stop and the Heritage Office notified immediately. Further approval will need to be*

obtained from the NSW Heritage Council as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found.

118. *Suitable clauses are to be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their obligations and requirements in relation to the relics provisions of the Heritage Act.*
119. *Prior to the commencement of the proposed works, all those involved are to be made aware by way of an induction of the existence of historical archaeological remains at the Prince Henry site.*

Landscape

120. *Seed stock indigenous to the site and/or locality (the Prince Henry site, being weed affected, may not be able to provide sufficient stock) should also be used to generate the proposed new landscaping. This should include seed of species forming the Sandstone Heaths, Woodlands and Forests, and the Eastern Suburbs Banksia Scrub vegetation types. Written confirmation of compliance with this requirement is to be submitted to the Heritage Office with the section 60 application.*

S60 application

121. *An application under section 60 of the NSW Heritage Act is to be submitted for approval by the Heritage Office prior to work commencing.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

8.2 DIRECTOR, CITY PLANNING REPORT 120/2007 - 60 DENNING STREET, SOUTH COOGEE. (DA/419/2007 & PROP015551)

398 **RESOLUTION: (Bastic/Andrews)** that this application be deferred to allow for further discussion between the applicant and Council's City Planning Department and for mediation should both parties be agreeable.

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

8.3 DIRECTOR, CITY PLANNING REPORT 121/2007 - 13 BUMBORAH POINT ROAD, MATRAVILLE. (DA/53/2007/A & PROP048095)

399 **RESOLUTION: (Belleli/Andrews)** that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.DA/53/2007/A for **modification of the approved development by extension of female locker area, conversion of storage area to office and alteration to the on-site parking** at 13 Bumborah Point Road, Matraville in the following manner:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered DA 01 to DA 07 stamped received by Council on 23 January 2007, the application form and on any supporting information received with the application, as amended by the **Section 96 plans drawn by Jack Taylor Architects, numbered S96101 received by Council on 12 October 2007, S9602, S9604 and S96104 and received by Council on 26 September 2007, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans.**

Add the following condition

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	\$23,960	0.5%	\$119.80
Development Cost More than \$200,000	Not applicable.	1.0%	Not applicable.

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

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

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

8.4 DIRECTOR, CITY PLANNING REPORT 122/2007 – 5-9 WOLSELEY ROAD, SOUTH COOGEE. (DA/426/2007/A & PROP010358)

RESOLUTION: (Bastic/Nash) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify development consent No. 426/2007 to increase the size of the gym/pottery studio building on the northern side of the site at 5-9 Wolseley Road, South Coogee, in the following manner:

▪ **Amend Condition No. 1 to read:**

1. *The development must be implemented substantially in accordance with the plans numbered DA101, DA201 to DA204, DA211 to DA215 and DA221 to DA224, Revision B, dated 23 April 2007 and received by Council on 31 May 2007, the application form and on any supporting information received with the application, and **as modified by Section 96 'A' plans numbered DA200-S96, DA201-S96, DA202-S96, DA204-S96, DA220-S96, Revision C, dated 23 October 2007 and received by Council on 31 October 2007, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:***

▪ **Delete Conditions No. 2**

▪ **Add the following conditions:**

67. *The eastern wall of the "Pottery Studio" shall be relocated 2.6m to the west to reduce the visual bulk of the building to the adjoining neighbour. Amended plans incorporating this change shall be submitted to and approved by the Director City Planning prior to the issuing of a construction certificate.*
68. *The eastern wall of the gym level shall be relocated 2.5m to the west to reduce the visual bulk of the building to the adjoining neighbour and maintain views to the south east from the ground level terrace at No. 3 Wolseley Road. Amended plans incorporating this change shall be submitted to and approved by the Director City Planning prior issuing of a construction certificate.*
69. *The roof of the "Pottery Studio" accessed from the gym level shall be made non-trafficable to maintain privacy to the adjoining property. The doors on the eastern elevation of the gym shall be deleted and replaced with windows to maintain ventilation and prevent access to the roof area. The roof area shall be landscaped with plant species which will not exceed 600mm in height at maturity. Amended plans incorporating these changes shall be submitted to and approved by the Director City Planning prior issuing of a construction certificate.*

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

8.5 DIRECTOR, CITY PLANNING REPORT 123/2007 - 200-210 ARDEN STREET, COOGEE. (DA/156/2005/D & PROP017563)

RESOLUTION: (Andrews/Procopiadis) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.156/2005 on property 200-210 Arden Street, Coogee in the following manner:

1. Amend the following Conditions to read:

- "1. *The development must be implemented substantially in accordance with the plans numbered DA-01 through to DA-06 of job number 6306, dated 01/03/2005 and received by Council on the 3rd of March 2005, the application form and on any supporting information received with the application, as amended by the:*

- *Section 96A plans dated November 2005 and received by Council on the 31st of January 2006;*

- Section 96B plans dated March 2006 and received by Council on the 27th of April 2006; and,
- Section 96C plans dated the 12th of February 2006 and received by Council on the 21st of July 2006,
- plans numbered #5849 & #5850 by Adam Signs, dated 25 August 2006 and received by Council on 25 September 2006

only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans: "

84. *The two neon illuminated poles adjacent to the lift well are only approved as a memorial. The lights must be turned off at 11pm every night and must only be operated at 50% of their maximum light intensity at a distance of one hundred metres from the subject site.*

Details of compliance with the light intensity shall be confirmed by a qualified independent lighting consultant and submitted to Council prior to the commencement of their use."

MOTION: (Tracey/Sullivan) that the application be approved as a memorial subject to standard conditions with the lights to be turned off at 10pm every night and for a measurable 50% reduction in light intensity at a distance of one hundred metres, to be confirmed by a qualified lighting consultant.

AMENDMENT: (Andrews/Procopiadis) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 51/2007 - PUBLIC COMMENT TO THE MEDIA POLICY. (F2005/00282)

- 402 **RESOLUTION: (Tracey/Nash)** that Council adopts the Public Comment to the Media policy with an additional clarification statement after point three which states: -

"It will be accepted that the spirit of this clause has been addressed if the Councillor takes appropriate steps to ensure that the recipient of the media information is aware of the full resolution of council."

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

10. DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 88/2007 - COMMUNITY HERITAGE GRANT. (F2004/08383)

- 403 **RESOLUTION: (Woodsmith/Belleli)** that the report be received and noted.

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

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 82/2007 - REVIEW OF CODE OF MEETING PRACTICE. (F2004/06567)

- 404 **RESOLUTION: (Sullivan/Procopiadis)** that this matter be deferred until the ordinary Council Meeting in February 2008 to allow for further consideration by all councillors.

MOTION: (Tracey/Procopiadis) that:

- a) the amended Code (as distributed) be adopted, subject to the inclusion of a provision(s) to account for the discontinuation of the existing General Committees and for Committee Meetings to be replaced by an additional Council Meeting per month.
- b) the amended Code be placed on public exhibition in accordance with Section 361 of the Local Government Act.
- c) this matter be reported back to Council at the close of the public exhibition period.

AMENDMENT: (Matson/Belleli) that the discontinuation of committees will not be decided upon until after the next local government elections and that verbal apologies are acceptable as leave of absence if so resolved by council. **WITHDRAWN.**

AMENDMENT: (Sullivan/Procopiadis) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

11.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 83/2007 - BLENHEIM HOUSE OPEN DAYS. (F2004/06336)

405 **RESOLUTION: (Andrews/Belleli)** that the number of open for inspection days for Blenheim House be decreased from four (4) per annum to one (1) weekend open day per annum for a trial period of one (1) year in order to address problems including increased security risk, privacy of the tenant and impact on the tenant's business interest.

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

12. PETITIONS.

Nil.

13. MOTIONS PURSUANT TO NOTICE.

Nil.

14. CONFIDENTIAL REPORTS (CLOSED SESSION).

Nil.

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr B. Notley-Smith, declared the meeting closed at 8.00 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 26TH FEBRUARY, 2008.

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CHAIRPERSON