



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 27 MAY 2008 AT
6:10PM**

Present:

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

Councillor M Matson (Deputy Chairperson) (East Ward)

North Ward	- Councillors J Kenny & P Tracey & M Woodsmith
South Ward	- Councillors R Belleli, M Daley (departed 7.00pm) & A White
East Ward	- Councillor D Sullivan (arrived 7.30pm)
West Ward	- Councillors B Hughes, S Nash & J Procopiadis
Central Ward	- Councillors A Andrews, C Bastic & T Seng

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Senior Administrative Coordinator	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien
Manager Performance Improvement	Ms K Walshaw
Manager Strategic Planning	Ms K Armstrong

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Councillor Seng. The Acknowledgement of Local Indigenous People was read by Councillor Matson.

Apologies/Granting of Leave of Absences

Apologies were received from Cr Sullivan (for late arrival) and Cr Daley (for early departure).

RESOLVED: (Nash/Andrews) that the apologies received from Councillor Sullivan (for late arrival) and Councillor Daley (for early departure) be accepted.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 22 APRIL 2008**

110/08

RESOLUTION: (Belleli/Nash) that the Minutes of the Ordinary Council Meeting held on Tuesday 22 April 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

Councillor Belleli declared a non-pecuniary interest in Item CP16/08 - 91 Paine Street, Maroubra – as he lives in Paine Street, but some distance away from the proposed development.

Councillor Matson declared a non-pecuniary interest in CS17/08 - Moverly Children's Centre and Randwick Open Care for Kids (ROCK) – as his child attended the Moverly Children's Centre in the past.

Councillor Nash declared a non-pecuniary interest in confidential Item GM15/08 – Tender 04/08 Provision of Auditing and Specialist Financial Services – as he had been contacted by an employee of PWC. Councillor Nash indicated that he would not take part in the debate of the vote on the matter.

Upon arrival at the meeting, Councillor Sullivan declared an interest in Item CS17/08 - Moverly Children's Centre and Randwick Open Care For Kids (ROCK) – as aspects of his job are involved in the child care industry. Councillor Sullivan indicated that he would not take part in the debate or the vote on the matter.

Later in the meeting, Councillor Notley-Smith declared a non-pecuniary interest in confidential Item GM15/08 – Tender 04/08 Provision of Auditing and Specialist Financial Services - as he had been contacted by an employee of PWC. Councillor Notley-Smith indicated that he would not take part in the debate of the vote on the matter.

Address of Council by Members of the Public

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

CP14/08 2-4 Strachan Street, Kingsford

Against	Mr H Varvaressos
For	Ms L Ozog

CP15/08 11 Burke Street, Chifley

Against	Mr M Wood
----------------	-----------

Procedural Motion - CP16/08 91 Paine Street, Maroubra

111/08

RESOLUTION: (Matson/Tracey): That Item CP16/08 - 91 Paine Street, Maroubra – be deferred to the Planning Committee meeting to be held on 10 June 2008.

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

CP20/08 Randwick City Recreation Needs Study – Report on Public Exhibition

Against Ms T Wiederman

CS17/08 Moverly Children's Centre and Randwick Open Care For Kids (ROCK)

Against Ms A Teague
For Mr P Carr

GF22/08 Outdoor Dining Licence Agreement Renewal - The Beach Palace Hotel

Against Mrs D Buchanan

NM15/08 Motion Pursuant to Notice by Cr Matson - Sale of Section of Closed Road at La Perouse

For Mr D Andersen

NM17/08 Motion Pursuant to Notice by Cr Matson – Proposed Pedestrian Crossing on Botany Street near Gate 11 of the University of New South Wales

For Mr G Paxonis

NM19/08 Motion Pursuant to Notice by Cr Matson - Proposed Pedestrian Crossing Near Bridgidine College

For Mr G Moore

The meeting was adjourned at 7.00pm and was resumed at 7.30pm.

Mayoral Minutes**MM25/08 Mayoral Minute - Request for waiving of fees - Use of Munda Street Community Centre by Sydney Multicultural Community Services (F2004/08302)**

112/08

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

- a) Council vote \$273.00 to cover the fees associated with the use of the Munda Street Community Centre on 9 April 2008 for Sydney MCS's Seniors Carnivale and funds be allocated from the 2008/09 Contingency Fund;
- 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.

MM26/08 Mayoral Minute - Australian Red Cross Blood Service - Request for use of Randwick Town Hall and Waiving of Fees (F2004/06050)

113/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that the hire fees be waived to allow the Australian Red Cross to locate their mobile blood bank in the Randwick Town Hall on Friday 13 June 2008.

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

MM27/08 Mayoral Minute - Signage - 'Police Patrol This Area' (F2004/07501)

114/08

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

- a) Council purchase and install "Police Patrol This Area" signage for all commercial centres, and
- b) this be funded from the 2007/2008 Contingency Fund.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**MM28/08 Mayoral Minute - Invitation to Attend Coast to Coast Conference 2008 (F2005/00646)**

115/08

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

- (a) the invitation from Professor Karen Edyvane for any interested Councillors to attend the Coast to Coast Conference be accepted; and
- (b) any interested Councillors advise the General Manager as soon as possible for registration purposes.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**MM29/08 Mayoral Minute - Financial Support - J & B Meoli - Pacific School Games U18 & U14's NSW Wheelchair Basketball Team (F2004/07396)**

116/08

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

- a) Council donate \$800.00 (being \$400.00 per child) to help cover the costs involved in allowing Josh & Ben Meoli to represent NSW in Wheelchair Basketball at the 2008 Pacific School Games, such funds to come from the Mayor's Future Champions Fund.
- b) any new applications for support for 2008 Pacific School Games in the disciplines of swimming, diving or athletics (for which participants have not yet been determined) be determined by the Mayor, subject to a limit of \$400.00 per child.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**MM30/08 Mayoral Minute - Local Government Association of Queensland Inc - First National Environment Conference - Cairns - 9-11 July 2008 (F2007/00121)**

Withdrawn – see Minute No. 134/08 on page 34 of these Minutes.

MM31/08 Mayoral Minute - Commemoration of the World War I 90th Anniversary and the Australian Soldiers' Contribution to the Battles of the "Western Front" (F2008/00317)

117/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that Council:

- a) receive and note the report; and
- b) allocate \$10,000 from the 2007/2008 Contingency Fund toward this event.

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

MM32/08 Mayoral Minute - Australasian 2008 Management Challenge Runners Up (F2008/00032)

118/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that the members of the 2008 Management Challenge Team be congratulated on their tremendous efforts in being the runners up in the Australasian Final.

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

MM33/08 Mayoral Minute - Waiving of Fees - Surf Life Saving Sydney Inc - Touch Football Activity (F2004/08302)

119/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) Council vote \$552.30 to cover the fees associated with this touch football activity to be held at Maroubra Beach on Sunday, 1 June 2008 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.

MM34/08 Mayoral Minute - Rick Pendelton - Des Renford Aquatic Centre - Waiving of Fees (F2006/00108)

120/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) Council vote to waive Squad Fees at Des Renford Aquatic Centre in the amount of \$580.00 and that this amount be funded from the Mayor's Future Champion's Fund.
- b) Rick Pendelton undertake to appropriately acknowledge Council's contribution.

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

MM35/08 Mayoral Minute - Bayside Swim Club - Des Renford Aquatic Centre - Waiving of Fees (F2006/00108)

121/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) Council vote to waive the \$650.00 fees associated with the Bayside under 12 Open Carnival to be held on Monday, 9 June 2008 and that this amount be funded from the 2007/2008 Contingency Fund.
- b) the Bayside Swim Club undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements, etc.).
- c) Council decline to waiver the fees for the Bayside Club Championships.

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

MM36/08 Mayoral Minute - Update - Wind Turbine Trial within Randwick City (F2005/00230)

122/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council approve the investigation and trialling of up to 5 small scale wind turbines for a period up to 12 months, subject to a report being brought back to Council on the location of the turbines.

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

MM37/08 Mayoral Minute - Meeting with the Minister for Lands - Acquisition of Land at La Perouse (F2004/07159)

123/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that a meeting take place between Council and the Department of Lands to outline Council's objection to this proposal.

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

MM38/08 Mayoral Minute - United Nations Association of Australia - World Environment Day Awards - 6 June, 2008, Melbourne (F2007/00121)

124/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) the report be received and noted; and
- b) the Mayor or his representative attends the Awards Presentation Dinner in Melbourne where the Award winners will be announced.

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

MM39/08 Mayoral Minute - Changing Bodies Changing Minds - Aboriginal Youth Camp (F2004/06272)

125/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council:

- a) receive and note the report; and
- b) allocate \$3,000 from the 2007/2008 Contingency Fund toward this project.

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

MM40/08 Mayoral Minute - Ride for Life - Request for Financial Assistance (F2005/00163)

126/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council:

- (a) contribute an amount of \$3,000.00 as a donation to the Department of Oncology at the Prince of Wales Hospital;
- (b) contribute a banner to publicise this worthwhile event; and
- (c) advertise this important community event in Council's Mayoral Column.

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

Urgent Business

Nil

Director City Planning Reports

CP14/08 Director City Planning Report - 2-4 Strachan Street, Kingsford (DA/1077/2007)

127/08

RESOLUTION: (Bastic/Woodsmith) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.1077/07 for permission to construct a new two storey boarding house containing 32 bedrooms, common living and utility rooms, outdoor living areas, car spaces and associated landscaping and site works at 2-4 Strachan Street Kingsford subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered job no. 0710, sheets A01 to A08 inclusive dated November 2007 and received by Council on the 20th March 2008 and the plan numbered job no. 0610, sheet A09 dated February 2008 and received by Council on the 20th March 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

3. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
4. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.
5. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
6. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
7. 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.
8. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
9. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

10. To maintain a reasonable degree of privacy to the adjoining residents the side boundary fencing is to be of solid masonry to a minimum height of 1800mm.

The applicant and owner is advised that the relevant provisions of the *Dividing Fences Act 1991* are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

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

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

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

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

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

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

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

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

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

13. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.
14. External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and

reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.

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

15. Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.
16. As a minimum appliances provided within the development are to satisfy the following energy ratings:
 - Clothes dryers minimum 2.5 star
 - Dishwashers minimum 3 star
 - Air conditioners minimum 4 star
 - Clothes washers minimum 4 star
 - Fridge minimum 4 star
17. A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.

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

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost More than \$200,000	\$ 480 000	1.0%	\$ 4 800.00

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

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

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

19. 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.

20. 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*.

21. **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.

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

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

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

23. 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.

24. 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".

25. 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.

26. **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.

27. 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.

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

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

29. 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.

30. The building is required to be provided with a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia and AS 1670.

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

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

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

The report is to be supported with photographic evidence of the status and

condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovementioned premises, **prior to the commencement of any works.**

32. 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:

33. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

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

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

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

Notes

- This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:
 - a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - b) an access order under the Access to Neighbouring Land Act 2000, or
 - c) an easement under section 88K of the Conveyancing Act 1919, or

d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.

- Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

35. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

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

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

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

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

37. Public safety and convenience must be maintained at all times during demolition, excavation and construction works 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) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- g) A *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.

- h) 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.
38. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the **following stage/s of construction**:
- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
 - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

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

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

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

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

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ($L_{A90, 15 \text{ min}}$) noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW

Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

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

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

49. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
50. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
51. The common areas of the premises such as kitchen, toilet, outdoor communal area, gazebo and BBQ area is to be maintained in a clean and healthy condition at all times.
52. The boarding house premises shall be operated in accordance with the definition of boarding house contained in the Randwick Local Environmental Plan 1998. Accommodation is not to be provided on a temporary basis to persons whose principal place of residence is elsewhere and/or for tourism purposes.
53. The outdoor communal area, gazebo & BBQ area shall not be used or occupied between:
- | | |
|--------------------|-----------------------|
| Monday – Thursday: | 10pm – 7am |
| Friday: | 12am (midnight) – 7am |
| Saturday & Sunday: | 12am(midnight) – 8am |
54. The manager shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of the managers name and contact number.
55. The Plan of Management titled *Management Plan for Boarding House 2-4 Strachan Street, Kingsford* produced by Archicorp architects & project managers and received by Council on 20 March 2008 must be incorporated in the operation and use of the boarding house. The Plan of Management is to be varied to allow for a second unit to be adapted so that it is accessible for a person with a disability in accordance with the relevant provisions of AS4299, the Building Code of Australia and AS1428.1, if the demand exists. No further variation shall be permitted without the further approval of Council.
56. The manager shall maintain a record of all residents with details of their names, length of stay & number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council Officers upon request.
57. All residents in the boarding house are to sign a lease or licence agreeing to comply with the Plan of Management for the boarding house, with the length of the lease to be determined by the management.
58. The building manager is to be a resident in the building, residing in room 2.

59. Units 1, 2, 3, 13, 15, 16, 17, 18, 19, 29, 31, and 32 shall be restricted to one occupant whilst units 4- 11, 12, 14, 20-27, 28, and 30 shall be restricted to two occupants.

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

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

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

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

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

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

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

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

61. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct two full width concrete vehicular crossings and laybacks off Strachan St and a full width concrete vehicular crossing and layback off Barker Lane at kerb opposite the vehicular entrances to the site.
 - b) Construct kerb and gutter for the full site frontage in Barker Lane except opposite the vehicular entrance and exit points.
 - c) Re-construct kerb and gutter for the full site frontage in Strachan Street except opposite the vehicular entrance and exit points.
 - d) Carry out associated road works including a full depth, 1 metre wide, road construction in front of the kerb and gutter along the full site frontage in Barker Lane.
62. 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.

63. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
64. 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.
65. The driveway openings at the Strachan St Street frontage must each be 2.67 metres wide and the driveway opening off Barker Lane must be 4.8 metres wide.
66. A Works Zone is to be provided for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and 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.

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

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

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

68. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
- **20mm above the centerline of the roadway along the full site frontage in Barker Lane.**
 - **match the back of the existing footpath along the full site frontage in Strachan Street.**

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

69. The design alignment levels (concrete/paved/tiled level) issued by Council and

their relationship to the roadway/footpath must be indicated on the building plans for the construction certificate.

70. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$885.15 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

71. 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.
72. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

The applicant shall liaise with Telstra to ensure all requirements are met in relation to the Telstra Pit located within the eastern driveway off Strachan St.

73. 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.
74. 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.

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

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

- c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
76. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
77. All site stormwater must be discharged (by gravity) to either:
- a) The kerb and gutter or drainage system at the front of the property in Strachan St; OR
 - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
78. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock

stratum has to be a minimum of 2.0 metres below the base of the tank.

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

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

80. 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.

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

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

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

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

Notes:

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

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

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

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

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

stored.

87. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
88. 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.

89. 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.

90. 88 Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent

of the Council.

Notes:

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

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

93. The garbage room areas will have to be designed so as to be able to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
94. 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.
95. The waste storage areas shall be clearly signposted.
96. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

waste and the on-going management of waste.

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

97. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon both neighbouring properties and the streetscape. A landscape plan prepared by a professional holding the minimum qualification of an Associate Diploma in Landscape/Horticulture shall be submitted to, and be approved by, the Principal Certifying Authority (PCA), **prior to the issue of a construction certificate** (with a copy of the approved plan to be forwarded to Council if not engaged as the PCA, prior to the commencement of works), and will include the following details:
- a. A planting plan and plant schedule which details proposed species, quantity, pot size at the time of planting and their location, and will contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions;
 - b. Planting along the southern boundary, within the private courtyards fronting Strachan Street, shall utilise a species which will attain the same height as that of the proposed front fence (ie, 1.8 metres);
 - c. A minimum of 2 x 100 litre (pot size at the time of planting) feature/ accent trees, comprising one each at the southwest and southeast corner of the site, at the northern end of both proposed internal hard stands/car spaces shall be provided, selecting a species which will attain a minimum height of 4 metres at maturity;
 - d. In order to ensure sufficient area for the establishment of a 5 metre tall, continuous evergreen privacy screen/hedge is provided along the length of the eastern boundary as shown, the width of the garden bed shall be increased from 500mm to a minimum width of 1 metre, with an appropriate species to be nominated in this location;
 - e. Provision of 1 x 200 litre (pot/bag size at the time of planting) native tree in the rear yard, in the northeast corner of the site, within the proposed area of private open space, using a species which will attain a minimum height of 10 metres at maturity.
 - f. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not over slab.
 - g. To ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas. Details are to be submitted showing connection of this system to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with current Sydney Water requirements.
 - h. Any substation required shall be screened from view, with the proposed location, elevation and screening method to be shown.
 - i. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
98. Landscaping shall be installed in accordance with the approved documentation,

with documentary evidence to be obtained from a qualified Landscape Architect (member of AILA) or Landscape Designer/Manager (member of AILDLM), which shall be submitted to the PCA (with a copy sent to Council if not engaged as 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 plans and relevant conditions of development consent.

99. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

100. The applicant shall submit a total payment of \$107.25 (including GST) to Council, being the cost for Council to:
- a. Supply and install 1 x 25 litre street tree, *Agonis flexuosa* (Willow Myrtle) on Council's Strachan Street nature strip, an equal distance between the existing Willow Myrtle street tree and the vehicle crossing proposed towards the western boundary, at the completion of all works (\$97.50 + GST).

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

The applicant will be required to contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least two working weeks notice, to arrange for provision of the new street tree upon completion of all site works.

101. Other than the Willow Myrtle street tree located on Council's nature strip, towards the eastern boundary, which is to be retained (refer Tree Protection Measures below), the applicant will be required to remove, at their own cost, all remaining vegetation on the Strachan Street nature strip in front of the site, comprising the small Bottlebrush and Citrus Tree, in order to accommodate new street tree plantings, with the applicant required to satisfy themselves as to the location of all services, prior to the commencement of any works on public property (refer also Service Authority Conditions).
102. With the exception of the large *Eucalyptus saligna* (Sydney Blue Gum, identified as T1 in the submitted Arborists Report) located in the rear yard of the site (currently 4 Strachan Street), about halfway along the length of the eastern boundary which is to be retained (refer Tree Protection Measures below), all other existing vegetation within the site shall be removed to accommodate the proposed works, as all were assessed is being exempt from the provisions of Council's Tree Preservation Order (TPO) due to either their insignificance, structural faults, or being listed as undesirable species, and is provided on the basis of full implementation of the approved landscape plan.
103. Permission is granted for the selective and minimal pruning of only the one lowest, inferior first order structural branch growing to the west, from the *Eucalyptus saligna* (Sydney Blue Gum) located in the rear yard of the site (4 Strachan Street), about halfway along the length of the eastern boundary in order to avoid damage/conflict with site machinery or approved building lines, and shall amount to no more than 5% of its total canopy cover, as detailed in point 5.20 of the submitted Arborists Report.

104. **Prior to the commencement of any pruning works**, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613, to arrange a joint site inspection for the purposes of confirming the extent of pruning permissible, with the applicant required to adhere to Council's instructions.
105. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Tree Protection Measures

106. In order to ensure retention of the *Agonis flexuosa* (Willow Myrtle) located within Council's nature strip, about halfway across the width of 4 Strachan Street, towards the eastern boundary in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application will be required to show its retention with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b. This street tree shall be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located along the back of the kerb, as well as a distance of 1.5 metres to both its east and north, as well as 4 metres to its west, measured off the outside edge of its trunk, to completely enclose this tree for the duration of the works.
 - c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - d. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - e. A minimum setback of 2 metres shall be provided between the trunk of this tree and the western edge of the proposed vehicle crossing, as detailed in point 5.10 of the submitted Arborists Report.
 - f. Any excavations associated with the western edge of the proposed vehicle crossing shall be initially undertaken by hand by the site Arborist (refer eligibility requirements in point 'f' of last condition in this report), to a minimum depth of 100mm, with any roots encountered to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - g. **Prior to the commencement of the works detailed in point 'f' above**, the applicant shall contact Council's Landscape Development Officer on 9399-0613, giving at least two working days notice, to arrange a joint site inspection for the purposes of confirming that the appropriate level of care will be taken during this component.
 - h. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of \$5,000.00 (no GST) shall be lodged with Council in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

The contribution shall be paid at the Cashier on the Ground Floor of the

Administrative Centre, **prior to a construction certificate being issued for the development.**

QUANTITY	SPECIES	AMOUNT
One	<i>Agonis flexuosa</i> (Willow Myrtle)	\$5,000.00
	TOTAL	\$5,000.00

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

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

107. In order to ensure retention of the *Eucalyptus saligna* (Sydney Blue Gum) located in the rear yard of the site (currently 4 Strachan Street), about halfway along the length of the eastern boundary in good health, the following measures are to be undertaken:
- a) All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b) All detailed documentation submitted for the construction certificate application shall show no alteration in the existing soil levels within a radius of 4 metres off its trunk, with any services, pipes, detention tanks or, stormwater infiltration systems to be suitably designed so as to be located outside this area also.
 - c) This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 4 metres to both the south and north of the outside edge of its trunk, as well as 3.5 metres to its west, matching up with the eastern site boundary in order to completely enclose this tree for the duration of the works.
 - d) This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as the proposed paving and landscape works beneath its western aspect need to be performed, with signage containing the following words to be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - e) Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - f) **Prior to the issue of a construction certificate**, the PCA will be required to ensure that an Arborist who holds the minimum qualification

of Level V in Arboriculture, and who is also a registered member of a nationally recognised organisation/association ("the site Arborist"), has been engaged for the duration of the proposed works for the purposes of performing and/or supervising all components of the works which have the potential to impact this tree, ie, demolition of existing dwellings and during construction, as well as implementation of these protection measures, with all site staff to comply with the site Arborists.

- g) Prior to the issue of a construction certificate, construction details shall be submitted to, and be approved by, the site Arborist (with a copy to be forwarded to Council prior to the commencement of site works), which confirms that those parts of the ground floor concrete slab of Units 11, 13 & 15, as well as the brick wall divisions in the same area, which encroach within the setback specified in point 'b' above, have been engineered so as to be suspended above grade, with a minimum 40mm void to be provided between the slab and ground level, in accordance with points 5.8 – 5.9 of the submitted Arborists Report.
 - h) Any excavations required for footings, structures, retaining walls, paving etc within a radius of 5.0 metres of the tree trunk shall be initially undertaken by hand either by, or under the supervision of, the site Arborist, with any roots encountered having a diameter of 75mm or greater to be preserved, with footings, structures etc to be suitably redesigned to accommodate their preservation, with those roots having a diameter less than 75mm to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - i) Prior to the issue of a final occupation certificate, the site Arborist shall submit a certificate, to the satisfaction of the PCA (with a copy to be forwarded to Council if not the PCA) which confirms compliance with the measures described in this report.
108. *The Ailanthus altissima (Tree of Heaven) within the northeastern corner of the site is identified as an environmental weed and is to be removed and replaced with a more desirable species and details provided with the Landscape plan for approval.*
109. One room within the boarding house shall be constructed so that it is accessible for a person with a disability in accordance with the relevant provisions of the AS4299 in addition to access and facilities for people with disabilities being provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, to the satisfaction of the Certifying Authority. Details of the proposed access, and facilities for people with disabilities are to be included in the plans / specifications for the **construction certificate**.

ADVISORY MATTERS:

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

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

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

to be addressed accordingly.

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

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

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

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

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

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

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

4. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article on the road, nature strip or footpath.
5. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

AMENDMENT: (Hughes/Procopiadis) that the recommendation be adopted, subject:

The following additional conditions of consent;

109. Unit 1 within the boarding house shall be constructed so that it is accessible

for a person with a disability in accordance with the relevant provisions of the AS4299 in addition to access and facilities for people with disabilities being provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, to the satisfaction of the Certifying Authority. Details of the proposed access, and facilities for people with disabilities are to be included in the plans / specifications for the **construction certificate**.

Condition 55 being amended to read as follows;

55. The Plan of Management titled *Management Plan for Boarding House 2-4 Strachan Street, Kingsford* produced by Archicorp architects & project managers and received by Council on 20 March 2008 must be incorporated in the operation and use of the boarding house. The Plan of Management is to be varied to allow for two (2) additional units to be adapted so that they are accessible for persons with a disability in accordance with the relevant provisions of AS4299, the Building Code of Australia and AS1428.1, if the demand exists. No further variation shall be permitted without the further approval of Council.

AMENDMENT: (Hughes/Procopiadis) LOST.

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

**CP15/08 Director City Planning Report - 11 Burke Street, Chifley
(DA/62/2008)**

128/08

RESOLUTION: (Belleli/White) that the application be deferred to enable the applicant to submit amended plans and that the amended application be dealt with by the General Manager under delegation.

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

**CP16/08 Director City Planning Report - 91 Paine Street, Maroubra
(DA/1/2008)**

This Item was deferred – see Minute No. 111/08 on page 2 of these Minutes.

**CP17/08 Director City Planning Report - Affixing of the Council Seal -
Service Agreement between Council and the Department of
Community Services (F2004/07715)**

129/08

RESOLUTION: (Matson/Andrews) that authority be granted for the Council's Common Seal to be affixed to the service agreement for the period 2008/2009 between Council and the Department of Community Services.

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

**CP18/08 Director City Planning Report - Update on Malabar Headland
(F2004/06759)**

130/08

RESOLUTION: (Matson/Andrews) that the report be received and noted.

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

CP19/08 Director City Planning Report - Proposed SCCG Project Officer (F2004/07436)

'131/08 **RESOLUTION: (Matson/Andrews)** that Council endorse the additional staff member for the SCCG secretariat and the associated additional membership contributions.

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

CP20/08 Director City Planning Report - Randwick City Recreation Needs Study - Report on Public Exhibition (F2006/00266)

'132/08 **RESOLUTION: (White/Nash)** that Council:

- a) adopt the Recreation Needs Study and overview cover page as amended dated May 2008, including the amendments detailed in the memo from the Manager Strategic Planning dated 27 May 2008 titled "Randwick Recreation Needs Study – Correction to Report"; and
- b) agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors if required during the final printing of the Recreation Needs Study.

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

General Manager's Reports

GM11/08 General Manager's Report - Affixing of the Council Seal (F2004/06336)

'133/08 **RESOLUTION: (Matson/Andrews)** that the Council's Seal be affixed to the signing of agreements between Council and:

1. Melissa Souter (T/As Café Carmelos) in relation to a licence for the purpose of outdoor dining at 163 Perry Street, Matraville.
2. Rod Lawson (T/As The Clovelly Hotel) in relation to a licence for the purpose of outdoor dining at 379-401 Clovelly Road, Clovelly.
3. Douglas Delaney (T/As High Street Café) in relation to a licence for the purpose of outdoor dining at 6/166-168 Belmore Road, Randwick.
4. Learning Links in relation to a lease over Unit 1/20 Silver Street, Randwick.
5. Qenos Pty Ltd in relation to a licence agreement for cables and cable apparatus at Botany Road, Matraville.

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

GM12/08 General Manager's Report - First National Local Government Environment Conference (F2004/06564)

'134/08 **RESOLUTION: (Matson/Andrews)** that any interested Councillors be authorised to attend the first National Local Government Environment Conference in Cairns, Queensland from 9-11 July 2008.

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

GM13/08 General Manager's Report - March 2008 Quarterly Review - Management Plan 2007-11 (F2007/00140)

'135/08 **RESOLUTION: (Matson/Andrews)** that the information contained in the March 2008 Quarterly Review of the 2007-11 Management Plan be received and noted.

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

GM14/08 General Manager's Report - Local Government Election 2008 Update (F2007/00550)

'136/08 **RESOLUTION: (Matson/Andrews)** that the report on the upcoming 2008 local government election be received and noted.

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

Director City Services Reports

CS16/08 Director City Services Report - State Government Review of Public Library Funding - Outcome of the Parry Report (F2004/08383)

'137/08 **RESOLUTION: (Matson/Andrews)** that the report be received and noted.

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

CS17/08 Director City Services Report - Moverly Children's Centre and Randwick Open Care for Kids (ROCK) (F2006/00725)

'138/08 **RESOLUTION: (Matson/Tracey)** that:

- a) Council researches a number options for determining the future of Randwick Open Care for Kids (ROCK) one of which will be the management rights of Moverly Children's Centre after consultation with the Moverly parents group. Such consultation to include other suggested options that the Moverly parents' group has put forward.
- b) Council consults with existing permanent staff of Moverly Children's Centre on the proposal and the relevant union(s), if required.
- c) report back on the outcomes.
- d) the General Manager be delegated authority, if Council is not able to find an alternative solution to ROCK's problems, to give existing parents at ROCK who require positions next year an assurance that their children and siblings will be accommodated at Moverly Children's Centre and existing parents at Moverly Children's Centre who require positions next year be given the same assurance.
- e) the Director City Services address any shortfall in places (estimates to be between 2-7 places) by approaching DOCS and ask for a loosening of the licence at Moverly Children's Centre to accommodate the extra children if necessary and/or to reserve places at other child care centres to accommodate those children.

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

Cr Andrews requested that his name be recorded as voting against the above motion.

Having declared an interest in this matter earlier in the meeting, Cr Sullivan left the

meeting during the debate and the vote.

CS18/08 Director City Services Report - Proposed Randwick SES Local Headquarters Refurbishment and Enhancement (F2004/06416)

'139/08 **RESOLUTION: (Belleli/Procopiadis)** that Council approve in principal (subject to any DA requirements) the proposed refurbishment of the Randwick SES building, accept \$50,000 grant from SES State Headquarters and to provide an additional \$50,000 from Council.

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

Director Governance & Financial Services Reports

GF19/08 Director Governance & Financial Services Report - Code of Meeting Practice - Results of Public Exhibition (F2004/06570)

'140/08 **RESOLUTION: (Matson/Andrews)** that the amended Code of Meeting Practice that was on public exhibition from 18 March 2008 to 15 April 2008 and for which no public submissions were received, be adopted.

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

GF20/08 Director Governance & Financial Services Report - Investment Report - April 2008 (F2004/06527)

'141/08 **RESOLUTION: (Matson/Andrews)** that the investment report for April 2008 be received and noted.

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

GF21/08 Director Governance & Financial Services Report - Earthwatch Fellowships (PROJ/10314/2007)

'142/08 **RESOLUTION: (Matson/Andrews)** that Council does not proceed with the Earthwatch Fellowships in 2008.

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

GF22/08 Director Governance & Financial Services Report - Outdoor Dining Licence Agreement Renewal - The Beach Palace Hotel (F2004/07593)

'143/08 **RESOLUTION: (Sullivan/Tracey)** that a decision on the proposed footway licence agreement for the Beach Palace Hotel be deferred to enable detailed diagrams (including the previous and proposed licence areas) to be brought forward.

MOTION: (Woodsmith/Matson) that Council does not enter into the proposed footway licence agreement with the Beach Palace Hotel.

AMENDMENT: (Sullivan/Tracey) CARRIED – SEE RESOLUTION

GF23/08 Director Governance & Financial Services Report - 2007/08 - Budget Review as at 31 March 2008 (F2006/00690)

'144/08 **RESOLUTION: (Matson/Andrews)** that:

- a) the report in relation to the March 2008 budget review be received and noted; and

- b) the proposed March 2008 budget variations shown in Attachment 3 to this report be adopted.

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

GF24/08 Director Governance & Financial Services Report - Unlawful Erection and Removal of Posters - Affirmation of Policy (F2004/06815)

(Note: A rescission motion on this item was submitted to the General Manager in accordance with Council's Code of Meeting Practice.)

145/08

RESOLUTION: (Matson/Hughes) that:

- (a) Council reaffirm the Unlawful Erection and Removal of Posters Policy; and
- (b) posters relating to the upcoming local government election shall be removed in accordance with this policy if the candidates supported by the posters fail to remove them within two (2) weeks of being directed to do so by the General Manager.

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

Councillors Sullivan and Bastic called for a **DIVISION**.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bastic
Councillor Kenny	Councillor Procopiadis
Councillor Matson	Councillor Sullivan
Councillor Nash	Councillor Tracey
Councillor Notley-Smith	Councillor White
Councillor Seng	
Councillor Woodsmith	
Total (8)	Total (6)

Petitions

Nil

Motion Pursuant to Notice

NM15/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Sale of Section of Closed Road at La Perouse (F2004/06326)

This matter was considered in conjunction with Mayor's Minute MM37/08 – see Minute No 124/08 on page 6 of these minutes.

NM16/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Prince Henry Sustainability Issues (F2004/07970)

146/08

RESOLUTION: (Matson/Woodsmith) that:

- a) Council's Environment Committee considers Ms Newman's request for:

- an update on whether the Vision for a New Village (Prince Henry) is being achieved;
 - an audit of the sustainability objectives of the Prince Henry site plans (original and the amended) be undertaken; and
- b) That appropriate community consultation with the La Perouse Precinct Committee form part of this process.

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

**NM17/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr
Matson - Proposed Pedestrian Crossing on Botany Street Near Gate
11 of the University of New South Wales (F2004/08338)**

147/08 **RESOLUTION: (Matson/Hughes)** at Council's Manager Integrated Transport Management, City Services contact Mr George Paxinos (Academic from the UNSW) in response to his proposal for a pedestrian crossing on Botany Street to facilitate pedestrian access to gate 11 of the University of New South Wales and invite Mr Paxinos to attend the Local Traffic Committee Meeting when the matter is being considered and that a report be brought back to Council.

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

**NM18/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr
Matson - Means Testing the Rooftop Solar Rebate (F2007/00417)**

148/08 **RESOLUTION: (Matson/Nash)** that Council believes that the Federal budget decision to means test the Roof Top Solar Rebate will undermine the Australian renewable energy industry to the detriment of Council residents and will urgently write to the following Government Ministers advising them so:

- a) Local MP and Federal Environment Minister, Mr Peter Garrett stating the budget decision to means test the Roof Top Solar Rebate will undermine the Australian renewable energy industry to the detriment of Council residents;
- b) Senator, the Hon. Penny Wong, Minister for Climate Change and Water; and
- c) The Hon. Martin Ferguson AM MP, Australian Minister for Resources and Energy.

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

**NM19/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr
Matson - Proposed Pedestrian Crossing near Bridgidine College
(F2004/08338)**

149/08 **RESOLUTION: (Matson/Tracey)** that Council's Manager Integrated Transport Management, City Services contact Bridgidine College in response to approaches to the East Ward Councillors concerning a need for a pedestrian crossing on Perouse Road near the school and that a report be brought back to Council.

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

Confidential report

The Council moved into closed session to consider Item GM15/08.

GM15/08 Confidential - Tender 04/08 - Provision of Auditing and Specialist Financial Services (F2007/00355)

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

Having declared an interest in this matter earlier in the meeting, Councillor Nash left the meeting during the debate and the vote.

At this point in the meeting Cr Notley-Smith (the Mayor) declared a non-pecuniary interest in Confidential Item GM15/08 as he had been contacted by an employee of PWC. Councillor Notley-Smith indicated that he would not take part in the debate of the vote on the matter and left the meeting.

The Deputy Mayor took the chair for Item GM15/08.

150/08 **RESOLUTION: (Seng/Kenny)** that Council:

- (a) accept the tender submitted from Spencer Steer for the provision of Auditing Services for six years ending June 2013; and
- (b) accept the tender from Pitcher Partners for specialist Financial Services for six years ending June 2013.

MOTION: (Seng/Kenny) CARRIED UNANIMOUSLY – SEE RESOLUTION.

Open session

Council moved back into open session.

Notice of Rescission Motions

NR4/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors Procopiadis, Andrews & White - Ordinary Council Meeting - 22 April, 2008 - Item CS15/08 - Director City Services' Report - Concept Design for the Upgrade of Mahon Pool Facilities (F2007/00043)

151/08 **RESOLUTION: (Andrews/Seng)** that the resolution passed at the Ordinary Council meeting held on Tuesday, 22 April 2008 reading as follows:

"That

- a) Council advise the Department of Lands that Council seeks to make an amendment to the Maroubra Beach Plan of Management to effect the inclusion of a café/kiosk above Mahon Pool within Jack Vanny Memorial Reserve.
- b) Council approves the Concept Design for the Upgrade of Mahon Pool Facilities.
- c) Council proceed with public exhibition of the Concept Design for a period of 28 days. "

BE AND IS HEREBY RESCINDED.

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

RESOLUTION: (Andrews/Sullivan) that given the lack of support for this project in the community, Council proceed no further with this proposal.

MOTION: (Andrews/Sullivan) CARRIED UNANIMOUSLY – SEE RESOLUTION.

NR5/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors Procopiadis, Andrews & White - Ordinary Council Meeting - 22 April, 2008 - Item CP12/08 - Director City Planning Report - Maroubra Beach Urban Design Review (F2006/00355)

MOTION: (Andrews/White) that the resolution passed at the Ordinary meeting held on Tuesday, 22 April, 2008 reading as follows:

“That

- a) Council not proceed with the recommendations in the Draft Maroubra Beach Commercial Centre Review.
- b) Council seeks to foster acceptable change in the Maroubra Beach area via a working group, with the following operating principles:
 - The working group will recommend ways to regenerate the Maroubra Beach district that balance the needs of all interested parties
 - The working group will be Chaired by a facilitator
 - Representation on the work group will include; the Maroubra Seals Club, other major property owners in the area, several precinct committee representatives, Fenton Avenue residents/owners, small business representatives, chamber of commerce representatives, social issues representatives and an independent urban planner.”

BE AND IS HEREBY RESCINDED.

MOTION: (Andrews/White) LOST.

NR6/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors Notley-Smith, Matson & Woodsmith - Planning Committee - 13 May, 2008 - Item PL17/08 - Development Application Report - 3 Stark Street, Coogee (DA/628/2007)

MOTION: (Woodsmith/Matson) That the resolution passed at the Planning Committee meeting held on 13 May 2008 reading as follows:

“That

- A. Council support the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 33(3), 34(3), 34(5) and 35(3) of the Randwick Local Environmental Plan 1998, relating to floor space ratio, building heights and landscaped area provision, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. Council, as the consent authority, grant development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, as amended, to Development Application DA/628/2007 for alterations and additions to an existing residential flat building to create 8 apartment units, including construction of a fifth floor level, additions of balconies, erection of a triple

garage to the front and associated landscape works, at No. 3 Stark Street, Coogee, 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 following plans:

Plan Number / Title	Prepared by	Dated	Received on
0717-1C	Arttech Design	02/02/08	7 Feb 2008
0717-2C	Arttech Design	02/02/08	7 Feb 2008
0717-3C	Arttech Design	02/02/08	7 Feb 2008
0717-4C	Arttech Design	02/02/08	7 Feb 2008
0717-5C	Arttech Design	02/02/08	7 Feb 2008
0717-6C	Arttech Design	02/02/08	7 Feb 2008
0717-7C	Arttech Design	02/02/08	7 Feb 2008
07.721-01(B)	Greenplan	29/01/08	7 Feb 2008

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

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the submitted "Schedule of Finishes", received by Council on 7 February 2008.
3. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

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

4. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
5. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
6. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.
7. A ceiling fan is to be installed in each bedroom of all proposed residential units within the development. Details are to be provided in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
8. The glazing components of the balcony balustrades on the northern and southern elevations shall consist of frosted / obscured glass, in order to protect the privacy of the occupants. Details are to be included in the Construction

Certificate documentation to the satisfaction of the Principal Certifying Authority.

9. The proposed privacy screens on the western elevation of the front balconies (that is, balconies facing Stark Street) on the ground, first, and second floor levels are to be constructed of aluminium louvres that are vertically positioned and angled towards Stark Street. The louvers are to be suitably spaced, or other configuration that prevent overlooking of the adjoining property at No. 1 Stark Street.
10. The proposed privacy screens on the western elevation of the rear balconies (that is, balconies facing the public reserve to the south of the site) on the first and second floor levels are to be constructed of aluminium louvres that are vertically positioned and angled towards the public reserve. The louvers are suitably spaced to prevent overlooking of the adjoining property at No. 1 Stark Street.
11. The undercroft areas below the first floor rear balcony (that is, the balcony facing the public reserve) are to be adequately secured to restrict access to maintenance purposes only. This may be achieved by the installation of appropriate barriers such as chain wire and steel pickets, in order to avoid the creation a potential entrapment point.
12. Any proposed / existing vertically operated sash windows of more than 800mm in width are to be redesigned as horizontally sliding windows. Details are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
13. Fences located on the side boundaries of the site shall not exceed a maximum height of 1800mm, measured above the existing ground levels.

On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the above mentioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

The applicant and owner are advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

14. Any wall or fencing along the rear (southern) property boundary of the site shall not exceed a maximum height of 1.2m, in order to maintain casual surveillance of the public reserve and surrounding areas. Notwithstanding, the above fencing or wall may reach a maximum of 1.8m in height, provided the upper two-thirds are at least 50% open. Details demonstrating compliance with this requirement are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
15. There must be no encroachment of the structure/s onto Council's road reserve, footway, nature strip or public place.
16. Any security gates on the street alignment or rear boundary are to be a maximum height of 1.8m and be designed so that the upper two thirds of the gates are at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.
17. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

18. The proposed planter boxes along the northern, eastern and western boundaries of the roof-top terrace above the garage building shall have a minimum width of 900mm (excluding wall thickness) and minimum soil depth of 900mm. The proposed plant species, spacing and mature height details are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.
19. Suitable security lighting is to be installed along the main pedestrian entry to the flat building as well as the access stairs that lead to the public reserve to the rear. The above lighting devices shall be low level lighting where the light source shall not be located higher than 1m above the finished ground level, and is to be directed towards the ground. Details are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.

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

20. 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.
21. 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.

22. 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)
23. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	-----	0.5%	-----
Development cost more than \$200,000	\$304,182	1.0%	\$3,041.82

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

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

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

Regulatory

25. 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.
26. 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*.
27. Prior to the commencement of any building or fire safety works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

28. Prior to the commencement of any building or fire safety works, the person having the benefit of the development consent must:
- i) appoint a *Principal Certifying Authority* for the building work, and
 - ii) appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the Home Building Act 1989, and notify the

Principal Certifying Authority and Council accordingly in writing, and

- iii) unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.

1. 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.

29. 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.

30. 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".

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

Planning & Assessment Act 1979.

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

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

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

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

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

Structural adequacy

34. A Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.
35. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate or strata subdivision certificate**, which certifies that the structural adequacy of the building, including handrails and balustrades.

Construction site management

36. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
 - Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

- A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- A certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

38. 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.

39. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:
- preserve and protect the building /s on the adjoining land from damage; and
 - if necessary, underpin and support the building and excavation in an approved manner; and
 - at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.
40. 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.
41. 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.
42. 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.
43. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or

footway for services or the like.

- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Building Services section.
 - e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
 - f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.
 - g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
 - h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
 - i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
 - j) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
 - k) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
44. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place: -

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip, container or other article.

Fire safety

45. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, **prior to issuing an occupation certificate** [or strata subdivision certificate]:
- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
- (1) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA),
 - (2) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - (3) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
 - (4) Provide portable fire extinguisher/s within the building adjacent to the electrical switchboard if it is located indoors, in accordance with clause E1.6 of the BCA,
 - (5) Provide a non-combustible enclosure (ie a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
 - (6) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
 - (7) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
 - (8) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.
46. All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
47. All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.

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

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

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

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

- a) \$2,000.00 - Damage / Civil Works Security Deposit

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

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

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

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

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

50. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b. Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
51. 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.
52. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An

application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

53. A minimum of four (4) bicycle parking spaces and associated storage facilities are to be provided on site. The proposed storage facilities are to be compliant with the provisions of Australian Standard 2890.3: Bicycle Parking Facilities.

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

54. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

Note: The proposed additional garage at the site frontage (eastern garage) shall, at its garage door entrance, not be greater than 150mm below the Council footpath level at its eastern edge. This will give it an RL 48.41.

55. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
56. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$536.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

57. 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.
58. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

59. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m² base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

- a. The sediment/silt arrestor pit shall be constructed: -
- i. within the site at or near the street boundary.
 - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
 - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
 - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
 - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- b. The infiltration/rubble pit shall: -
- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
 - ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
 - iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.
Note: other equivalent methods of infiltration may be adopted.
 - iv. have a minimum base area of 5.0 square metres (m²).

The outlet from the silt arrestor pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.

- c. The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter via a sediment/silt arrestor pit (as detailed in note a. above).

All works shall be to the satisfaction of the certifying authority.

- d. The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.
60. 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 and 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).

Waste Management Conditions

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

61. The garbage room areas will have to be designed so as to be able to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
62. 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.
63. The waste storage areas shall be clearly signposted.
64. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the additional unit.

Strata Subdivision Conditions

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

65. All the conditions of development consent DA 628/07 must be satisfied and their compliance verified by the Principal Certifying Authority prior to endorsement of the subdivision plans. This includes restoration of all public roads and reserves.
66. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

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

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

67. The applicant shall provide Council with a survey plan of the property prior to receiving subdivision approval.
68. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9

metres.

69. The registered proprietor of the land the subject of this consent shall enter into a restriction on the use of land that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.
70. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

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

71. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan submitted by GreenPlan, drawing number 07.721-01, job number 07.721, issue A, dated 10/08/07, **subject to the following requirements being shown on an amended plan, to the satisfaction of the Principal Certifying Authority (PCA), prior to the issue of a construction certificate:**
- a. While desirable native species, the *Angophora costata* (Sydney Red Gum) and *Corymbia maculata* (Spotted Gum) proposed near the southeast and southwest corners of the existing dwelling respectively shall either be:
 - i. Replaced by smaller native species in these areas which will attain a more appropriate size at maturity for the area they will be growing within; or;
 - ii. Relocated a minimum distance of 2 metres away from the existing dwelling in order to avoid ongoing interference and nuisance given the large size of these species at maturity.
72. Landscaping shall be installed in accordance with the Landscape plan approved by the PCA, prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.
73. That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Tree Management

74. Approval is granted for the removal of all existing vegetation at the site in order to accommodate the proposed works as shown, and is subject to full implementation of the landscape plan approved by the PCA.

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:

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

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ($L_{A90, 15 \text{ min}}$) noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

76. 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.

77. The installation of rainwater tanks shall comply with the following noise control requirements: -

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ 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.

b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

The following conditions are applied to satisfy the requirements of the Department of Planning pursuant to the provisions of State Environmental Planning Policy No. 10, for mitigating the loss of low-cost rental accommodation:

78. The voluntary initiative of Stark Property Investments (the 'Applicant') to amend DA/628/2007 ('DA'), by correspondence dated 5 February 2008, to include a one-off monetary contribution of \$37,473.51 (the 'Contribution'), for the purpose of mitigating the loss of low-cost rental accommodation proposed by the DA, shall be realized as follows:

(a) The Contribution is to be paid to Randwick Council ('Council') in one complete payment to Council's satisfaction prior to the Strata Subdivision Certificate being issued;

(b) Council shall use the Contribution solely for the purpose of developing accommodation for those low to moderate income households reliant upon affordable (low-cost rental) accommodation in the vicinity of the land to which the DA is subject. This does not include subsidizing rent (directly or through an intermediary such as a community housing association); and

- (c) For the use of this Contribution, low to moderate income households means and is limited to those households:
 - (i) with a gross income of between 50-120% (inclusive) of the Sydney Statistical Division median income as published by the Australian Bureau of Statistics and indexed appropriately; and;
 - (ii) being charged not more than 30% of their income on rent.
- (d) Current tenants of unit 4 if required to relocate outside the premises primarily due to the proposal shall be:
 - (i) provided with a minimum of 90 days Notice to Vacate;
 - (ii) assisted to find alternative comparable accommodation. This shall include making of enquiries with local real estate agents; and
 - (iii) provided with a \$500 one-off payment to assist with relocation expenses.
- (e) The applicant shall inform the tenant of unit 4 of this condition and documentary evidence should be submitted to council showing this prior to the issue of the construction certificate.

ADVISORY MATTERS:

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

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

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

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

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

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

- 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.

- A4 On-site stormwater detention is not required for this proposed development however should the applicant wish to install the drainage system as shown on the submitted plans by AJK Design, plan No's SW/01-04/1, there is no objection to its construction."

BE AND IS HEREBY RESCINDED.

MOTION: (Woodsmith/Matson) LOST.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 10.13pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 June 2008.

.....
CHAIRPERSON