



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF  
THE CITY OF RANDWICK HELD ON TUESDAY, 25 NOVEMBER 2008  
AT 6:09 PM.**

**Present:**

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

Councillor M. Woodsmith (Deputy Chairperson) (North Ward)

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| North Ward   | - Councillors K. Smith & P. Tracey                              |
| South Ward   | - Councillors R. Belleli, C. Matthews (from 6.40 pm) & A. White |
| East Ward    | - Councillors T. Bowen & M. Matson                              |
| West Ward    | - Councillors B. Hughes, S. Nash & J. Procopiadis               |
| Central Ward | - Councillors A. Andrews (from 6.25 pm), T. Seng & G. Stevenson |

**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
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien
Manager Organisational Performance	Ms K Walshaw

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr Smith. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 21 OCTOBER 2008**

355/08

**RESOLUTION: (Belleli/Smith)** that the Minutes of the Ordinary Council Meeting held on Tuesday 21 October 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

- (a) Cr Belleli declared pecuniary interests in items MM104/08 and MM105/08 as his wife's talent school will be performing at these events free of charge. Cr Belleli will not be taking part in the debate or voting on these matters.
- (b) Cr Matson declared a non pecuniary interest in item MM107/08 as his daughter attends the nearby school. Cr Matson will be taking part in the debate and voting on the matter.
- (c) Cr Procopiadis declared a non pecuniary interest in item MM103/08 as he is the bus driver for this event. Cr Procopiadis will be taking part in the debate and voting on the matter.
- (d) Cr Tracey declared a non pecuniary interest in item GM44/08 as he plays tennis at the Coogee Diggers Club. Cr Tracey will be taking part in the debate and voting on the matter.
- (e) Crs Notley-Smith, Hughes and Matson declared non pecuniary interests in item GM44/08 as they are all members of the Coogee Diggers Club. These Councillors will all be taking part in the debate and voting on the matter.
- (f) Cr Notley-Smith declared a non pecuniary interest in item CP81/08 as he attended a movie at the Ritz Cinema recently in the capacity of Mayor. Cr Notley-Smith will be taking part in the debate and voting on the matter.
- (g) Cr Andrews declared a non pecuniary interest in item CP77/08 as his son and the applicant's son are friends. Cr Andrews will be taking part in the debate and voting on the matter.
- (h) Cr Matthews declared a non pecuniary interest in item CP77/08 as he knows the applicant. Cr Matthews will be taking part in the debate and voting on the matter.
- (i) Cr Matthews declared a non pecuniary interest in item CP78/08 as he knows the objector through the local precinct committee. Cr Matthews will be taking part in the debate and voting on the matter.
- (j) Cr Bowen declared a non pecuniary interest in item CP78/08 as he is a member of the Australian Jockey Club. Cr Bowen will be taking part in the debate and voting on the matter.
- (k) Cr Andrews declared a non pecuniary interest in item CP78/08 as he attends the races at Randwick on a regular basis. Cr Andrews will be taking part in the debate and voting on the matter.
- (l) Cr Belleli declared a pecuniary interest in item CP84/08 as his wife's talent school will be performing free of charge at events that come before Council for assistance under this program. Cr Belleli will not be taking part in the debate or voting on this 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:

CP76/08 35 MAITLAND AVENUE, KINGSFORD

**Against** Mr Theo Theol

CP77/08 3 EDGECLIFFE AVENUE, SOUTH COOGEE

**Against** Mr Peter Benic

- For** Mr Mark Sant
- CP78/08 77-97 ALISON ROAD, RANDWICK
- Against** Mr Paul Chilchott
- For** Mr Brett Robinson - Promoter
- For** Mr Adam Smith – Australian Jockey Club
- CP80/08 10-14 DUKE STREET, KENSINGTON
- For** Mr Greg Prentice – on behalf of objector
- CP81/08 35 - 37 ST PAULS STREET, RANDWICK
- Against** Mr Neaf Ziade
- For** Mr Anthony Betros
- CS30/08 ANZAC PARADE, LITTLE BAY - PROPOSED PARTIAL ROAD CLOSURE
- Against** Mr Mark Jacobs
- For** Mr Charles Abela
- GF64/08 TENDER FOR OPERATION OF LEARN TO SURF SCHOOL & EQUIPMENT HIRE & REFURBISHMENT & OCCUPATION OF TRAM/BUS SHELTER
- On** Mr Bruce Druery
- On** Ms Brenda Miley
- CP75/08 9 SEASIDE PARADE, SOUTH COOGEE
- Against** Ms Julie Nance

The meeting was adjourned at 7.38 pm and was resumed at 8.07 pm.

### Mayoral Minutes

#### MM98/08 Mayoral Minute - Waiving of Fees - Coogee Surf Carnival (F2004/08286)

356/08

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

- a) Council vote \$814.10 to cover the fees associated with the holding of the Annual Coogee Carnival to be held on Saturday, 7 February 2009 and that the funds be allocated from the 2008/2009 Contingency Fund;
- b) the organiser of the Carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and
- c) the Mayor or his representative be given the opportunity to address the Surf Carnival on behalf of Council.

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

**MM99/08 Mayoral Minute - Epiphany Festival at Yarra Bay - Waiving of Fees (F2004/00954)**

357/08 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$3,871.80 to cover the fees associated with the event and funds be allocated from the 2008/09 Council Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;
- c) the Mayor or the Mayor's representative shall be given the opportunity to address the event on behalf of Council; and
- d) the organisers be requested to invite all Randwick City Councillors to this event.

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

**MM100/08 Mayoral Minute - Tamarama Beach to Clovelly Beach - Ocean Swim - Request to Waive Fees (F2004/08285)**

358/08 **RESOLUTION: (Mayor, Cr B Notley-Smith) that**

- a) Council vote \$375.80 to cover the fees associated with the holding of the Tamarama Beach to Clovelly Beach Ocean Swim on 13 April 2009 and that the funds be allocated from the 2008/2009 Contingency Fund;
- b) the organiser of the event undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and
- c) the Mayor or his representative be given the opportunity to address the ocean swim on behalf of Council.

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

**MM101/08 Mayoral Minute - Australia Day Botany Bay Regatta - Request for Financial Assistance (F2004/07076)**

359/08 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$750.00 from the 2008/09 Contingency Fund as a contribution towards the 2009 Australia Day Botany Bay Regatta activities;
- b) Council nominate Councillors Smith and Stevenson for the 'Councillors' Challenge' event; and
- c) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution at the Regatta events.

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

**MM102/08 Mayoral Minute - Property and Planning Industry Awards (F2007/00351)**

360/08 **RESOLUTION: (Mayor, Cr B Notley-Smith) that Council acknowledge the Awards and Council's achievements.**

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

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**MM103/08 Mayoral Minute - Castellorizian Ladies Auxiliary - Waiving Bus Hire Fee (F2004/08381)**

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361/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council waive the fee of \$296.40 to be funded from the 2008/09 Contingency Fund for the hire of the Council bus on the 12th, 13th and 15th December 2008 to support the Castellorizian Ladies Auxiliary's fundraising Christmas Carols event.

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

Cr Belleli left the chamber at this time, taking no part in the debate or voting on the following two items.

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**MM104/08 Mayoral Minute - Barwon Park, Matraville - Christmas Carols Event (F2004/07160)**

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362/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council support the two traffic control proposals for Barwon Crescent, as detailed in the report.

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

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**MM105/08 Mayoral Minute - Waiving of Fees - South Maroubra Village Green Carols by Candlelight (F2004/07550)**

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363/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) Council vote \$3,274.00 to cover the fees associated with the event and funds be charged to the 2008/09 Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor, or his representative, be given the opportunity to address the "Carols By Candlelight" on behalf of Council.

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

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**MM106/08 Mayoral Minute - Funding for Upgrade of Des Renford Aquatic Centre (F2006/00110)**

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364/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that the funding secured by the Mayor at the inaugural meeting of the Australian Council of Local Government (ACLG) in Canberra be used to commence the upgrade to the filtration system at the Des Renford Aquatic Centre.

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

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**MM107/08 Mayoral Minute - Request to Provide Coogee Public School With a Worm Farm and Worms (F2004/07396)**

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365/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Coogee Public School be provided with a worm farm and worms for their school recycling program and vegetable garden in 2009 as above.

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

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**MM108/08 Mayoral Minute - Council Support of Earth Hour, March 28, 2009 (F2004/07396)**

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366/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council's support for Earth Hour 2009 be confirmed.

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

**MM109/08 Mayoral Minute - Former Councillor Marie Kibble - Letter of Congratulations (F2004/06574)**

367/08

**RESOLUTION: (Mayor, Cr B Notley-Smith)** that a letter under seal be sent congratulating former Councillor Marie Kibble on her 90<sup>th</sup> birthday and on her years of service to the Randwick community.

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

### Urgent Business

**UB8/08 Cr Robert Belleli – Changes to Committee Membership (F2005/00775)**

368/08

**RESOLUTION: (Smith/Belleli)** that Councillor Smith replace Councillor Belleli on both the Tourism Committee and the Multicultural Committee and that Councillor Woodsmith replace Councillor Belleli on the Access Committee.

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

### Director City Planning Reports

**CP75/08 Director City Planning Report - 9 Seaside Parade, South Coogee (DA/456/2008)**

369/08

**RESOLUTION: (Nash/Andrews)**

That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/456/2008 for demolition of existing structures on site and construction of a detached dwelling house over 5 levels with double garage, external decks, retaining walls and site landscaping, at No. 9 Seaside Parade, South Coogee, subject to the following conditions:

#### Conditions of Consent

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

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

Plan Number	Dated	Received	Prepared By
07029 - 0001 (Rev 01)	26.05.08	1-Jul-08	Tzannes Associates
07029 - 1001 (Rev 03)	25.06.08	1-Jul-08	
07029 - 1002 (Rev 02)	26.05.08	1-Jul-08	
07029 - 2001 (Rev 02)	26.05.08	1-Jul-08	
07029 - 2002 (Rev 02)	26.05.08	1-Jul-08	
07029 - 2003 (Rev 02)	26.05.08	1-Jul-08	
07029 - 3001 (Rev 03)	25.06.08	1-Jul-08	

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

2. The proposed blade wall on the southern elevation to the rear of level 4 is to be

dated 07.11.2008, prepared by Tzannes Associates and stamped by Council on 7 November 2008.

3. The colours, materials and finishes of the external surfaces to the building are to be consistent with the Materials and Finishes Sample Board, prepared by Tzannes Associates, and received by Council on 1 July 2008.
4. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
5. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
6. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.
7. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
8. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
9. 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.
10. Fences located on the side or rear boundaries of the premises 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 abovementioned 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.

11. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.
12. The proposed swimming pool within the rear portion of the site does not form part of this Development Consent. The construction of any swimming or spa pool must require a separate Development Consent or Complying Development Certificate, as applicable. (Note: this Development Consent includes all external timber decking and landscaping within the rear portion of the site.)

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

13. 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](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

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

14. 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	\$2,607,261	1.0%	<b>\$26,072.61</b>

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](http://www.randwick.nsw.gov.au).

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

15. 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.
16. 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.

17. 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)
18. 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 has been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:**

19. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

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

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

21. All new building work must be carried out in accordance with the provisions of the **Building Code of Australia (BCA)**, in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.
22. **Prior to the commencement of any building works, a construction certificate** must be obtained from 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.

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

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

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

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

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

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

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

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

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The 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.

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

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

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

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

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

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

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

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

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

*At the time of this development consent, Long Service Levy payment is*

*applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

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

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

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

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

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

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

31. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:
- The requirements and Guidelines of WorkCover NSW
  - Occupational Health and Safety Act 2000
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997
  - Protection of the Environment Operations (Waste) Regulation 1996.
32. 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 any asbestos materials will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2)

working days **before commencing any demolition works** involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

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

33. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a. Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
  - b. Randwick City Council's Asbestos Policy (adopted 13 September 2005)
  - c. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - d. On sites involving the removal of asbestos, a 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.
  - e. 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.
  - f. A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal Certifying Authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

34. 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.

35. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:

- new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise required by the Principal Certifying Authority.

The report (including photographs) is to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works.

36. 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).

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

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

38. 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.

39. 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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.
  - 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.

40. 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.

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.

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

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

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

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

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction;
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- 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 adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

43. 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 Construction Site Management Plan which 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.

44. 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. Building materials, sand, soil, waste materials, construction equipment or other activities 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.
- b. 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.
- c. 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.
- d. 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.
- e. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
- f. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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

45. The 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.

46. 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 ensure that adequate provisions are made for the management of waste from the development:**

47. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.
48. A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the commencement of works.**

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

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

49. The applicant must meet the full cost for Council or a Council approved contractor to:
  - a) Construct a new concrete vehicular crossing opposite the vehicular entrance to the site.
50. 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.
51. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be

paid prior to the commencement of any works.

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

52. 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 the driveway and pedestrian entrance shall be as follows:

- **Driveway Entrance – RL 24.96**
- **Pedestrian Gate Entrance – RL 24.98**

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

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

53. Prior to issuing of the construction certificate the design alignment levels (concrete/paved/tiled level) issued by Council, for the driveway entrance and pedestrian gate entrance, must be indicated on the building plans for the construction certificate.
54. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$631.00 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 of service authority assets:**

55. 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.
56. 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:**

57. Stormwater runoff from the site may be directed to the coastal reserve at the rear of the site provided that:
- a) All stormwater runoff is taken through a sediment/silt arrestor pit located within the site prior to being discharged onto the reserve.
  - b) A headwall and appropriate scour protection is provided around the outlet pipe in the reserve.

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

58. Landscaping at the site shall be installed substantially in accordance with the Landscape Concept Plan, by Hortus Design Pty Ltd, drawing number L01 - 02, job number L0313, issue A, dated 14/04/08; subject to the following additional requirements being shown on an amended plan which shall be submitted to, and be approved by, the PCA (with a copy to be forwarded to Council if not the PCA, prior to the commencement of site works):
- a) Deletion of *Raphiolepis species* (Indian Hawthorn) from the planting plan and plant schedule, as this generally develops small black berries which can be spread by birds and invade areas of native bushland (such as Lurline Bay to the south, and Trenerry Reserve to the north which have both had substantial amounts of bush regeneration), and are to be replaced with alternative, non-invasive species of similar form and function;
  - b) While *Banksia integrifolia* (Coastal Banksia) is an appropriate species selection at the site, a continuous row of six along the northern boundary, between the northeast corner of the proposed dwelling and northeast corner of the site is excessive, as a combination of the quantity proposed and their height at maturity will result in significant, and legitimate view loss for the adjoining property to the north, 7 Seaside Parade. As such, only the two most western trees in this group shall be planted, and the rest deleted;
  - c) For the same 'view loss' issue as outlined in point 'b' above, all perimeter planting on both the northern and southern boundaries, beyond the eastern edge of the proposed dwelling, shall be restricted to those species which will attain the same height as any common boundary fencing; i.e., no more than 2 metres above the finished ground level, with species such as *Leptospermum laevigatum* (Coastal Tea Tree), which can attain a height of 6 metres and are proposed for both boundaries, to be replaced with alternative species.
59. The landscaping shall be installed in accordance with the approved documentation, prior to the issue of a final occupation certificate, and shall be maintained in accordance with those plans.
60. 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, and shall be maintained by the applicant.

### Tree Management

61. The applicant is required to cover Council's costs for removing the three existing trees from Council's Seaside Parade nature strip, comprising from south to north, one small *Metrosideros excelsa* (NZ Xmas Tree), one *Lagunaria patersonii* (Norfolk Island Hibiscus) and another dead *Metrosideros excelsa* (NZ Xmas Tree), **prior to the commencement of ANY site works**, and must contact Council's Landscape Development Officer on 9399-0613, giving at least 4 weeks notice to make the necessary arrangements for these removals.
62. The applicant must also cover Council's costs for the supply and installation of 2 x 25 litre street trees, *Banksia serrata* (Saw Toothed Banksia's), to the north of the vehicle crossing, with the applicant to contact Council's Landscape Development Officer to arrange for their installation two weeks prior to the completion of all site works (\$214.50 incl. GST).
63. Both amounts detailed in the two conditions above 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.**

64. Approval is granted for the removal of all existing vegetation within the site in order to accommodate the proposed works as shown, as all were observed to be either undesirable or insignificant, and therefore, exempt from the provisions of Council's Tree Preservation Order (TPO), with this approval only provided on the basis of full implementation of the approved landscape plan.
65. Permission is granted for the minimal and selective pruning of only those overhanging branches from the northern aspect of the *Banksia integrifolia* (Coastal Banksia), located in the rear yard of the adjoining property to the south, 11 Seaside Parade, close to the common boundary, which need to be specifically pruned in order to avoid damage to the tree, or interference with the approved building works during the course of construction.
66. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the health of this tree, the applicant shall negotiate with the neighbour/tree owner for access to perform such work.
67. 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**

68. In order to ensure retention of the *Banksia integrifolia* (Coastal Banksia, tree 8 on the 'Existing Tree Inventory' on the submitted Landscape Plan) located in the rear yard of the adjoining property to the south, 11 Seaside Parade, close to the common boundary in good health, the following measures are to be undertaken:
  - a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of this neighbouring tree, with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
  - b. Spot levels shall be submitted confirming that existing ground levels within the subject site, for a radius of 2 metres off the outside edge of its trunk, shall be maintained, with any planting in this area to be provided at grade (no raised planter boxes permitted).
  - c. Any stormwater or other site services are to be designed and installed so as to be located as close as practically possible to the proposed dwelling, within the 2 metre radius specified in point 'b' above.
  - d. Any common boundary fencing within the 2 metre exclusion zone described above shall be a type which does not require a continuous strip footing.
  - e. Any excavations required within the 2 metre exclusion zone shall be initially undertaken by hand, with any roots encountered to be cut cleanly and the affected area backfilled with clean site soil as soon as practically possible.

- f. 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.

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

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

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

**MOTION: (Nash/Andrews) CARRIED - SEE RESOLUTION.**

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

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

**CP76/08 Director City Planning Report - 35 Maitland Avenue, Kingsford (DA/706/2008)**

370/08

**RESOLUTION: (Nash/Andrews)**

That Council as the responsible consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/706/2008 to construct a carport structure to the front of the existing dwelling for at 35 Maitland Avenue, KINGSFORD subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered DA/01 to DA/03, dated August 2008 and received by Council on 1 October 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 proposed carport structure are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.
3. Details are to be provided in the Construction Certificate to demonstrate that the proposed works will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.

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

4. 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](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

**The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:**

5. Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.

Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto any adjoining premises or cause a nuisance.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

6. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so

as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

7. 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.

8. 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*.

9. **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.

10. **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.

11. 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.

12. 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*; and
  - a statement stating that "unauthorised entry to the work site is prohibited".
13. 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.

14. **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.

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

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

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

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

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

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

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

16. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:
  - The requirements and Guidelines of WorkCover NSW
  - Occupational Health and Safety Act 2000
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997
  - Protection of the Environment Operations (Waste) Regulation 1996.
17. 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.
18. 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).

19. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.
20. 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.
21. 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.

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

22. 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.
23. 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. Building materials, sand, soil, waste materials, construction equipment or other activities 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.

- b. 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.
- c. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
- d. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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

- 24. 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.
- 25. 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.
- 26. A minimum clearance to the overhead carport of 2.20m is required. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.

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

- 27. 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.
- 28. 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:**

- 29. Stormwater runoff from the carport shall be discharged to the kerb and gutter in Maitland Avenue.

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

30. 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 installed prior to the issue of a final Occupation Certificate.

**Tree Protection Measures**

31. In order to ensure retention of the *Elaeocarpus reticulatus* (Blueberry Ash) located on Council's Maitland Avenue nature strip, to the south of the existing vehicle crossing in good health, the following measures are to be undertaken:
- a. All detailed documentation submitted for the construction certificate application shall show the retention of this street tree, together with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
  - b. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located to a minimum distance of 1 metre off the outside edge of its trunk, on all four sides, so as to completely enclose this tree for the duration of the works.
  - c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
  - d. The applicant is not authorised to perform any works to this street tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
  - e. Within the zone specified in point 'b' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
  - f. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of **\$500.00** shall also be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

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

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

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

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

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

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

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

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

Note: The reasons provided for overturning the staff's recommendation are as follows:-

- (a) this proposal is not out of place with the surrounding streetscape as there are examples in other streets of this type of development happening.
- (b) this architectural solution is pleasing on the eye and does not detract from the amenity of the surrounding area.
- (c) this proposal complies with the five (5) metre restriction imposed previously by Council.

**CP77/08 Director City Planning Report - 3 Edgecliffe Avenue, South Coogee  
(da/412/2008)**

371/08

**RESOLUTION: (Woodsmith/Matson)**

That Council as the responsible consent authority refuse consent under Section 80 of the Environmental Planning and Assessment Act 1979 as amended to development application number 412/2008 for construction of rumpus rooms on top level roof terraces of approved dual occupancy dwellings at 3 Edgecliffe Avenue, South Coogee for the following reasons:

1. The proposal exceeds the maximum floor space ratio for a building specified in Clause 32(1) of the Randwick Local Environmental Plan 1998 by 0.55:1. The proposal has an adverse impact on nearby and adjoining development and does not satisfy the purpose for the development standard.
2. The proposal exceeds the maximum height for a building specified in Clause 33(1) of the Randwick Local Environmental Plan 1998 by 1.5m. The proposal has an adverse impact on the amenity of surrounding areas and does not satisfy the purpose of the standard.
3. The proposal exceeds the maximum height for an external wall of a building specified in Clause 33(3) of the Randwick Local Environmental Plan 1998 by 4m. The proposal has an adverse impact on the amenity of surrounding areas and does not satisfy the purpose of the standard.
4. The proposal does not satisfy the objectives and performance requirements for floor area specified in Clause 4.2 of the Dwelling Houses and Attached Dual Occupancies Development Control Plan. The proposal has excessive bulk and scale and is not compatible with the existing character of the locality.
5. The proposal does not satisfy the objectives and performance requirements for height specified in Clause 4.3 of the Dwelling Houses and Attached Dual Occupancies Development Control Plan. The proposal has excessive height and scale and is not compatible with and does not relate to the existing character of the locality.
6. The proposed height and floor area of the addition are excessive and would have an undesirable impact on the character of Edgecliffe Ave. This is a matter for consideration under Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.
7. The potential for impacts on privacy, views and solar access is unjustifiable. This is a matter for consideration under Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

**MOTION: (Andrews/Matthews)** that Council grant development consent subject to standard conditions as the primary objective of the applicant is to utilise a similar height limit to the unit block immediately to the west, there is no view loss or overshadowing, a significant part of the FSR is below ground level and the proposal will not affect the privacy of any of the neighbours. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Matthews	Councillor Bowen
Councillor Procopiadis	Councillor Hughes
Councillor Tracey	Councillor Matson

Councillor White	Councillor Nash
	Councillor Notley-Smith
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor Woodsmith
<b>Total (5)</b>	<b>Total (10)</b>

**MOTION: (Woodsmith/Matson) CARRIED - SEE RESOLUTION.**

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

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

**CP78/08 Director City Planning Report - 77-97 Alison Road, Randwick (DA/694/2008)**

372/08

**RESOLUTION: (Woodsmith/Hughes)**

That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/694/2008 for the proposed Future Music Festival to be held on Saturday 28 February 2009 at Randwick Racecourse at 77-97 Alison Road, Randwick subject to the following conditions:

1. The development must be implemented substantially in accordance with the details set out in the application form and accompanying submission received by Council on 26 September 2008, Noise Management Plan prepared by Andrew Rogers, dated 25 Aug 2008 and Traffic Management Plan prepared by Julian Sanderson, dated 25 September 2008, all received by Council on 26 September 2008 and any other supporting information received with the application, except as may be amended by 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:**

2. The applicant must ensure that vehicles related to the event do not obstruct emergency entry/exit points, thoroughfares or fire hydrants.
3. The spill of artificial lighting is to be restricted so as not to illuminate areas beyond the perimeter of the site.
4. The activity/event is restricted to the following period and numbers:



<b>Date</b>	<b>28 February 2009</b>
<b>Times</b>	<b>2pm till 10pm</b>
<b>Maximum Patron Numbers</b>	<b>25,000</b>

**The following conditions are applied at the Recommendation of the NSW Police Service to maintain standards of public safety.**

5. The applicant shall meet the costs of policing (crowd control & traffic management) for the event as follows: 105 Police.
6. The applicant must prepare a comprehensive traffic management plan (TMP), such plan must not include the closure of Alison Road. The traffic management plan must be submitted to Council, for approval by Council, the NSW Police Force and the RTA's Transport Management Centre prior to **28 December 2008**. The applicant must fully comply with the approved TMP. Note: any TMP for this event must significantly increase the capacity of the buses for egress of the event as proposed in the "2009 Future Music Festival – Site Plan Proposed Egress Operations", (it is recommended that the capacity be increased from the proposed 12000 to 18000 as a minimum).
7. The applicant must prepare a comprehensive egress plan for the event. The egress plan must be submitted to Council, for approval by Council and the NSW Police Force prior to **28 December 2008**. The applicant must fully comply with the approved egress plan. Note: any egress plan for this event must significantly increase the capacity of the buses for egress of the event as proposed in the "2009 Future Music Festival – Site Plan Proposed Egress Operations", (it is recommended that the capacity be increased from the proposed 12000 to 18000 as a minimum).
8. A limit of 2 alcoholic drinks per patron shall be applied for each drink purchase.
9. All other restrictions that normally apply to sale of intoxicating liquor at the Randwick race course shall be adhered to by the event promoter and licensee.
10. No intoxicating liquor to be served after 8pm.
11. The sale of intoxicating liquor at the event shall be regulated by any other conditions imposed by the NSW Police Force.
12. Patrons shall be subject to a strict 'no pass outs' rule for the duration of the event. This is to be clearly shown on the "Conditions of Entry Poster" issued for the event.

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

13. Mandatory bag inspections to be carried out prior to entry of patrons on to the site.
14. The event organiser shall implement all measures in accordance with the Security Management Plan prepared by Steven Ferraris and received by Council on 26 September 2008, unless otherwise directed by the Police/authorised City Ranger or modified by these conditions.
15. The event organiser shall implement all measures listed under the section ***Resident Response*** contained in the Security Management Plan prepared by

Steven Ferraris and received by Council on 26 September 2008, to ensure minimal impacts to adjoining and surrounding residents from unruly patrons of the events including, but not limited to, trespassing, breaking and entering of and/or through private property (unless otherwise directed by the Police/authorised City Ranger or modified by these conditions).

16. The installation of temporary facilities including barricades, fencing, signage, toilets, lighting vending outlets is to be carried out to ensure that there is no damage to the site, including built structures and landscape elements.

**The following conditions are applied to meet the requirements of the Roads and Traffic Authority of NSW:**

17. The event organiser is to arrange with the RTA's Transport Management Centre (TMC) for any required Road Occupancy Licence for any event that may impact on traffic flows on Alison Road during the music festival.
18. Any cost associated with the implementation of any special event clearways and associated towing on High Street shall be borne by the applicant.
19. Concurrence from Council must be obtained for the location and placement of any variable message signs (VMS) and portable lighting towers mentioned in the traffic Management Plan prepared by M. Vassilev. At all times, no variable message signs or lighting towers shall be placed such that it obstructs in any way the footpaths, including equipment that may be used to stabilise the VMS.
20. All signage shall be in accordance with the relevant Australian Standard (Manual of Uniform Traffic Control Devices) and/or in accordance with the Traffic Control at Worksites publication.
21. Should any Road Occupancy Licence be granted, water filled barriers used for the event must be interlocked and filled with water. Placement of the water filled barriers (such as on the centre median) will only be allowed on the day of the event and must be removed on the same day **after the event**.

**The following conditions are applied to provide adequate provisions for parking to the development :**

22. Signage advising the closure of the any Bus Stop on Alison Road is to be erected at least 7 days prior to the event and to remain up until the time the bus stop reopens to the public. Any bus stop to be closed is to remain operational until 8pm on the day of the event.
23. The security fencing proposed for Alison Road is to be erected in a manner such that sight lines to approaching buses is maintained without the need for bus patrons to extend themselves into traffic on Alison Road to see approaching buses.
24. All vehicles (including taxis) exiting the racecourse at High Street must be controlled such that they turn right only to proceed to Anzac Parade. Left turning traffic onto High Street should not be allowed as this will cause traffic to filter through local streets.
25. The placement of water filled barriers is to be such that they do not extend beyond or encroach on the Lane 1 (kerb side lane) lane line.
26. The placement of all barricades and signs is to be in accordance with the plans submitted as part of this application and be in accordance with the requirements specified in AS1742.3

27. The event organiser shall implement all measures in accordance with the approved Traffic Management Plan, unless otherwise directed by the Police/authorised City Ranger.
28. The applicant shall be responsible for the reimbursement of the cost of repair of any damage caused to public ways as a result of the event.
29. The applicant shall indemnify against all claims for damage or injury that may arise as a result of the subject event. In this regard, the applicant shall submit, prior to the event, evidence of a current public liability insurance policy in relation to the proposed event for an amount of at least \$10,000,000 or more and such amount shall be specified by Council's Risk Coordinator.

**The following conditions are applied to maintain adequate levels of public amenity:**

30. The ticket price is to include return public transport to and from the event valid for the greater Sydney Metropolitan Area.
31. The applicant is to thoroughly clean the surrounding area within 24 hours of the termination of the event. This is to include the area bounded by:
  - Kensington Road and Boronia Street to the west;
  - Alison and Darley Roads to the north;
  - Wentworth Street to the east; and
  - High Street to the south.
32. A damage/cleanup security deposit of **\$50,000** must be paid to Council **at least fourteen days prior to the event** as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for cleanup:

The damage/ cleanup security deposit may be provided by way of a cash or bank cheque with the Council and is refundable upon a satisfactory inspection by Council upon the completion of the event which confirms that there has been no damage to Council property and that the cleanup has been satisfactorily executed. Any costs borne by Council for additional cleanup resulting from the event shall be deducted from this amount.

To obtain a refund of relevant deposits, a Security Deposit Refund Form is to be forwarded to Council's Director of City Services upon completion of the event.

**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:**

33. Numbered tickets must be issued in order to calculate the number of persons permitted at the event so as not to exceed the authorised capacity. Records of the number of tickets issued shall be provided to Council within 7 days of the event.
- 33a. Prior to the activity/event, the applicant shall distribute a notice to the nearby likely affected residents and other nearby premises advising of the activity/event and providing the following details:
  - Details of the activity/event
  - time and date when the activity/event will occur,
  - the name and relevant details of the applicant and organiser of the activity/event

- contact details for the relevant person to whom further enquiries can be obtained,
  - contact details for the making of complaints/enquiries in regard to the operation of the event, throughout the event duration,
  - any other information that may be required to properly and fully describe the event, including any measures to maintain reasonable levels of amenity and safety.
34. The notice is to be distributed to the effected parties no less then 7 days prior to the staging of the event.
35. Advertising and marketing of the activity/event shall promote the use of public transport to the activity.
36. The use of fireworks, firearms, explosives or lighting of fires **is not permitted**.
37. Adequate provisions are to be made for the storage, collection and disposal of waste and recyclable materials.

**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:**

38. In accordance with the conditions and recommendations contained in the acoustic report titled *Noise Management Plan Future Music Festival 2009 March 2009 Randwick Racecourse* prepared by Noise Consulting and Management Pty Ltd dated 25 August 2008 Ref 873, the following noise abatement measures are imposed:
- a) The noise limit at affected residences will be L<sub>Amax</sub> 65 dB(A) and L<sub>max</sub> 85 dB(C), when measured with the meter set to fast response over any 15 minute period during the concert or sound test. All music will cease at **10:00 pm**.
  - b) A complaints hotline will be established for use during the bump in, during the duration of the event. Noise Consulting & Management Pty Ltd will investigate any complaints, record the results of the investigation and the action taken and report back to the resident if desired.
  - c) A notice informing nearby residents/apartment body corporate of the event and the hotline number will be sent out at least 7 days prior to the event. A copy of the notice will be forwarded to Council. The area to be letter dropped is shown in Appendix A of the acoustic report. This includes the areas that the music is likely to be the dominant noise source and additional areas in Kensington based on previous complaints.
  - d) The speakers of the outdoor stages will be set up as outlined in the acoustic report.
  - e) A sound check will be performed 1 hour prior to the event. During the sound check, appropriate music levels will be set on compressors at each of the stages to ensure they are started at appropriate levels.
  - f) Sound level meters indicating the actual and allowed music levels will be displayed at each stage.
  - g) All sound systems will include a level limiter (or compressor) so music levels can be locked down. Artist and sound engineers will be

advised that music limiting will be used and settings are not to be tampered with.

- h) Noise Consulting & Management Pty Ltd will continuously monitor throughout the entire event, the pre-determined noise sensitive locations and any additional locations that may become necessary based on the conditions and any complaints encountered.
  - i) The acoustic consultant will be in two way radio and mobile phone contact with the sound desk staff, production manager, sound engineers, event organiser, and hotline staff throughout the event.
  - j) The production manager and sound engineers will be briefed on the importance of reducing music levels as requested by the acoustic consultant.
  - k) Procedures will be implemented to allow for a quick reduction of the music levels of all stages if required. The production manager will ensure that sound engineers reduce music levels when instructed. The main stage sound desk will be manned by staff under the direct supervision of the acoustical consultant.
  - l) A report containing the results of the monitoring, any complaints and the noise control measures will be presented to Council within 30 days of the event.
  - m) Security guards will assist patrons in leaving quietly and avoiding passing through the nearby residential areas where possible Security guards will be stationed in the residential areas to ensure noise is kept to a minimum.
39. All sound amplification equipment to be used is to be installed, maintained and operated, in such a way as to minimise the noise impact on residential premises or sensitive receivers.
40. The organiser of the event must keep a legible record of all complaints made to it or any employee or agent in relation to the event to which this application applies.

The complaints hotline shall operate during the bump in phase, for the entire duration of the event and for the remainder of the weekend to address any unresolved complaint by nearby residents.

The complaints register must keep a record of the following:

- the date and time of the complaint;
  - the method by which the complaint was made;
  - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - the nature of the complaint;
  - the action taken by the organiser in relation to the complaint, including any follow-up contact with the complainant; and
  - if no action was taken by the organiser, the reasons why no action was taken.
41. During the music event, rehearsal or sound tests, the organiser must ensure that an employee or agent is present at the sound-mixing desk for the event and is able to exercise ultimate control of the noise levels from the sound amplification equipment during the event.

42. The organiser must ensure that during the entire event, employees or agents can contact and communicate with all of the acoustical consultants conducting the monitoring of the noise levels from the concert, as required.
43. Following the completion of the music event and within 30 days, the organiser must provide to Council an acoustical report, prepared by the appointed acoustic consultant, detailing the following:
  - Whether or not there has been compliance or non-compliance with the consent conditions, including the reasons for any breaches;
  - The times and details of any occasions where a breach of the noise criteria as set in the consent, occurred and why the breach occurred and what measures were implemented to ensure that the breach did not reoccur.
44. The activity/event shall not give rise to an environmental health or public nuisance or affect public safety and convenience.
45. The operation of the activity/event shall not result air, noise or water pollution offence under the *Protection of the Environment Operations Act 1997*.
46. The use or sale of helium filled balloons is not permitted within Randwick, in accordance with Council resolution of 26 October 1999.
47. The relevant requirements of WorkCover New South Wales and the Occupational Health and Safety Act 2000, are required to be complied with at all times.
48. Access to the event shall be provided to Council authorised officers so as to enable compliance monitoring to be undertaken.

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

49. The requirements of the *Food Act 2003* and *Food Safety Standards* must be complied with at all times.
50. The applicant is required to ensure that all temporary food stalls, vendors and mobile food vendors have registered their details with Council's Environmental Health Unit, at least one week prior to the event. The required Registration Fee must be forwarded to Council with the registration details. Further details can be obtained by telephoning 9399 0973.
51. Temporary food premises, stalls, vendors or the like must comply with the relevant requirements of Council's Temporary Food Premises Code or Council's Code for the Construction and Use of Food Vending Vehicles, as applicable.
52. Temporary food stalls and food vendors must satisfy the following construction and operational requirements:
  - The surfaces of all food preparation and service areas must be of good quality construction, with impervious washable surfaces
  - All food preparation and service areas must be kept thoroughly clean at all times
  - Food vendors and personnel must wear suitable clean clothing
  - Food shall not be handled without tongs, utensils or suitable hygienic gloves, wherever possible

- The food must not be handled or stored in a manner, which may cause contamination of the food. This includes cross contamination between cooked and uncooked foods including; poor handler technique; handling of food without suitable hygienic gloves; contamination from animals or pests; storage or display of food where it can be touched or sneezed upon by the public and use of unclean utensils and equipment.
- Food shall be stored at least 750mm above ground surfaces. Food shall be kept covered or stored in closed containers, so as to prevent contamination (except when the food is being prepared and served)
- All condiments such as sauce, mustard and the like shall be contained in squeeze type dispensers or in individual sealed packs and only disposable eating and drinking utensils are to be used
- Food stalls should be provided with a roof and three sides, which are covered with plastic sheeting, vinyl or other suitable impervious material
- The ground surface area within the food preparation, storage and service areas must be of suitable construction or covering, so as to ensure that the area is able to be kept clean and free from dirt, mud and dust or the like, at all times
- Readily accessible washing facilities must be provided for washing of utensils, equipment and hands. The washing facilities must include adequate washing water and rinsing water and warm water is to be made available for washing
- Washing facilities must include an adequate supply of hand towels, liquid soap and detergent and sufficient facilities shall be provided to serve each food stall
- Waste water shall not be disposed of in a manner which would give rise to a pollution offence under the *Protection of the Environment Operations Act 1997*
- All heating and cooking equipment including open flame barbeques and cooking plates shall be located within the stall or otherwise suitably protected from contamination, including by dust, overhanging trees, birds and the public
- Cooking and heating equipment shall not be located within reach of the public
- Temporary refrigeration unit/s or mobile cool room or refrigerated containers must be provided for the storage of perishable foodstuffs at a temperature of not more than 5°C
- *Potentially hazardous food* is required to be kept at a temperature of at or below 60°C or, at or below 5°C. *Potentially hazardous food* includes raw and cooked meat, seafood, smallgoods, dairy products & deserts, food containing raw or cooked meat, cooked rice & pasta, foods containing eggs, beans or nuts, pizza's, quiche, sandwiches etc
- Smoking is not permitted in any food preparation, storage or service areas
- Adequate waste receptacles with lids are to be provided to serve each food stall/vendor

**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 ensure the structural adequacy and integrity of the proposed building and adjacent premises:**

53. The conditions contained in the public entertainment approval LA-78/2004 dated January 2007 for the AJC are to be complied with at all times.
54. The maximum number of persons permitted in the buildings within the AJC is not to exceed the numbers specified in condition number 1 of public entertainment approval LA-78/2004.
55. The number of persons permitted within the betting Pavilion is not to exceed 3000 in accordance with the recommendations made in the Holmes Fire and Safety fire engineering design report number 96343 dated 27 April 1999.
56. The relevant provisions of Schedule 3A of the Environmental Planning & Assessment Regulation 2000 (as amended), are to be complied with at all times.
57. Temporary structures to be used as a place of public entertainment are to be designed and constructed in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation 2000* and NSW Part H102 of the Building Code of Australia.
58. The maximum number of people permitted in the temporary structures must not exceed the number of square meters of the floor area of the tent or marquee and a person must be appointed to ensure that the permissible capacity is not exceeded. A sign detailing the maximum number of people permitted in the temporary structure/s must be displayed near the entrance.
59. Tents and marquees must comply with the following requirements:-
  - a) The number and width of exits to any tent, marquee or booth must be provided in accordance with the provisions of NSW H102.4 and NSW Table H102.4.
  - b) the tent, marquee or booth resists loads determined in accordance with the Australian and New Zealand Standards entitled:
    - i) AS/NZS 1170.0:2002, *Structural design actions – General principles, and*
    - ii) AS/NZS 1170.1:2002, *Structural design actions – Permanent, imposed and other actions, and*
    - iii) AS/NZS 1170.2:2002, *Structural design actions – Wind actions.*
  - c) Written details or certification must be provided to the Principal Certifying Authority detailing compliance with the requirements of these conditions, prior to the use and occupation of the temporary structures.
60. Fabric that is used in the construction of a temporary structure must comply with the flammability index's required by NSW H102.8 of the Building Code of Australia 2008.
61. Essential fire safety measures & equipment within the temporary structures must be provided in accordance with the provisions of NSW H102 of the Building Code of Australia, to the satisfaction of the principal certifying authority.
62. A notice is to be provided to each stage or platform, that indicates the actual distributed and concentrated load for which the stage or platform has been designed, located in a conspicuous position on the stage or platform.
63. Stages, platforms or walkways greater than 1m in height above ground level which are accessible to the public or audience, must be provided with adequate balustrading or other measures to prevent them from falling off the stage or platform.



64. If a tent or marquee has a floor area greater than 100 square meters, the erection of the tent or marquee must not commence until the provisions of Clause 268A of the Environmental Planning & Assessment Regulation 2000 (as amended), relating to the appointment of a principal certifying authority, have been met.
65. An Occupation Certificate must be obtained from the Principal Certifying Authority (Council or Accredited Certifier) for the temporary structures, in accordance with the provisions of the *Environmental Planning & Assessment Regulation 2000*, prior to the use and occupation of the temporary structure/s.
66. The operator of the activity/function must hold current public liability insurance cover of at least \$10 million.
67. Temporary structures must be removed/dismantled within 2 days after the conclusion of the event.
68. Adequate toilets, urinals, wash-hand basins and hand dryers or disposable towels (including facilities for people with a disability) must be provided for the duration of the activity/event, to the satisfaction of the Principal Certifying Authority.

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

69. 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	\$120,000	0.5%	\$6,000

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

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

**Heritage Conditions:**

70. The installation of temporary facilities including stages, enclosures, decking, fencing, signage, toilets, lighting, rides and vending outlets is to be carried out to ensure that there is no damage to the site, including built structures and landscape elements.

**MOTION: (Woodsmith/Hughes) CARRIED – SEE RESOLUTION.**

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

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

**CP79/08 Director City Planning Report - 53 Doncaster Avenue, Kensington  
(DA/875/2005/A)**

373/08

**RESOLUTION: (Matthews/Andrews)**

- A. That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/875/2005/A for permission to undertake a Section 96 modification to the rear roof configuration, extend the living area by 700mm to the west, add a roof to the rear pergola and reconfigure the ground floor rooms of an approved boarding house at 53 Doncaster Avenue, Kensington in the following manner:

**Amend Condition 1 to read:**

The development must be implemented substantially in accordance with the plans drawn by Arttech Design and Construction, numbered Job No. 0506 and sheet numbers 01C through to 04C, dated 08/05/06 in the amendments box and stamped received by Council on 9 May 2006, the application form and on any supporting information received with the application, as amended by the *Section 96 plans numbered 01B, 02B & 03B, amended 21/10/2008 and received by Council on 22 October 2008, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application*, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**MOTION: (Hughes/Matson)** that the application be deferred to the next ordinary council meeting as the objector was unable to address this council meeting to voice their concerns. **LOST.**

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

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

**MOTION:(Matthews/Andrews) CARRIED – SEE RESOLUTION.**

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

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

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**CP80/08 Director City Planning Report - 10-14 Duke Street, Kensington (DA/506/2004/B)**


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374/08

**RESOLUTION: (Nash/Hughes)** that this application be deferred to the next council meeting for mediation if possible between the applicant and objectors and to allow councillors to be informed of the overshadowing impact of deleting in whole, or in part, conditions 2 and 3.

**MOTION:(Nash/Hughes) CARRIED – SEE RESOLUTIONS.**

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

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

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**CP81/08 Director City Planning Report - 35 - 37 St Pauls Street, Randwick (DA/145/2008)**


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375/08

**RESOLUTION: (Nash/Woodsmith)**

- A. That the Council support the objection under State Environmental Planning Policy No.1 (SEPP No. 1) in respect to non-compliance with Clause 32 of the Randwick Local Environmental Plan 1998 (relating to floor space ratio) on the grounds that the proposed use complies with the objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Planning NSW be advised accordingly.

AND

- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/145/2008 for partial demolition of an existing building and construction of a part 2 and part 3 storey mixed use development comprising 2 retail units and 6 one bedroom dwellings with 4 carspaces. at 35-37 St Pauls Street, Randwick, subject to the following conditions:-
1. The development must be implemented substantially in accordance with the plans numbered DA01 - DA04 Revision D and stamped received by Council on 11 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:

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

2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the 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. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall 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 development.
4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
5. All signage and advertising must be in accordance with Council's Development Control Plan for Outdoor Advertising and development consent must be obtained for all signage and advertising in accordance with Council's Local Environmental Plan 1998.  
  
All advertising and signage must be written in English language or both English and relevant non-English language equally. The use of non-English language advertising only is not permissible.
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. The enclosure of balconies is prohibited by this consent.
8. Any internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.  
  
Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

9. Development consent is required to be obtained in relation to the specific 'use and operation' of commercial tenancies/occupancies and 'shop fit out works', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979
10. There must be no encroachment of the structures including eaves, gutters, hoods and similar structures or attachments onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.
11. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall 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 development.
12. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

**The following conditions are applied to provide adequate provisions for parking and access :**

13. Details of the operation of the car stacker and associated turn manoeuvres shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The details shall include, but not be limited to the following:
  - Manufacturer specifications and instructions for operation;
  - Details of manual operation in the event of power/mechanical failure;
  - Maintenance schedules;
  - The waiting and working times for the car stacker; and
  - Safety and training requirements for the use of the car stacker.
  - Turning manoeuvre paths indicating compliance with the relevant sections of AS2890.1- 2004.

**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:**

14. An acoustic report shall 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 development.

The report is to be prepared by a suitably qualified and experienced consultant in acoustics and the report and assessment is to be completed in accordance with the NSW Environmental Protection Guidelines, namely the Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance) and the relevant Australian Standards.

The report is to include (but not be limited) to:

- Noise emission from the proposed development (mechanical ventilation system, air-conditioning units etc);
- Noise emission into the proposed development from the surrounding environment, including but not limited to plant and equipment located on the roof of the adjoining cinema and potential noise and vibration

nuisance from the operation of the cinema.

- Road traffic noise intrusion (in accordance with the NSW Environmental Guidelines, Environmental Criteria for Road Traffic Noise and AS3671)
- Interior acoustic privacy (in accordance with Council's Development Control Plan);

The report must also include:

- Relevant s and appropriate noise mitigation methods to ensure compliance with the Protection of the Environment Operations Act 1997 and relevant noise control criteria and guidelines for day time, evening and night time period;
- Recommended monitoring and compliance programs/validation, to ensure compliance with relevant noise control.

15. 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).

16. 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.
17. A validation report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

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

18. The use and operation of the premises shall not give rise to an environmental health or public *nuisance* and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
19. Development consent is required to be obtained in relation to the specific 'use' of commercial *tenancies/occupancies* and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.

**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	\$1,143,008.00	1.0%	\$11,430.08

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](http://www.randwick.nsw.gov.au).

**The following conditions are applied to ensure the protection of heritage/archaeological significance of the site:**

25. A Schedule of Conservation Works for the existing façade shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
26. An architect or tradesperson suitably qualified and experienced in heritage conservation shall be engaged to oversee the carrying out of repairs.
27. Care should be taken to ensure that the proposed demolition works do not affect the stability and integrity of the existing façade which is to be retained as part of the proposal.
28. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

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

29. 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.

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

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

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

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

- i) appoint a *Principal Certifying Authority* for the building work, and



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

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

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

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

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

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

34. 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".
35. 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.

36. **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.

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

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

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

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.

38. 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.

39. 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](http://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**.

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

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

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

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

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

41. Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

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

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

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

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

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

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

adjoining the subject site.

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

45. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises (including the Council if bounding a public place) and details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.**
46. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate**, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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

47. 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.

48. 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).*
49. 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.
50. 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.
51. 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
52. 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.

53. 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) 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.
  - 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 local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place:-
    - Install or erect any site fencing, hoardings or site structures
    - Operate a crane or hoist goods or materials over a footpath or road
    - Placement of a waste skip or any other container or article in a public place.

54. A **Construction Site Management Plan** is to be developed and implemented

**prior to the commencement** of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

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

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

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

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

Dust control measures and practices may include:-

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

56. 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.

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

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

57. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed



plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

58. A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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

59. 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.

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

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

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

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

61. 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](http://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 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

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

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

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

63. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration to other premises or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
64. 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).

65. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Health, Building & Regulatory Services.
66. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used at any time for any of the purposes detailed below:
- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
  - Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
  - Licensed premises, places of public entertainment and hotels
  - Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
  - Premises which have a Cooling Tower or Warm Water System
  - Business providing any form of sexual service (i.e. brothel or the like).

*Business premises which are used for these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.*

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

67. 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:**

68. The applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete layback at the edge of the asphalt roadway opposite the vehicular entrance to the site in Aeolia Lane.
  - b) Reconstruct any damaged sections of kerb and gutter along the full St Pauls Street site frontage (including associated roadworks).
  - c) Carry out a full depth, minimum 1.50 metre wide road reconstruction along the full Aeolia Lane site frontage.

Note: The landscape design may include pavements, seat installations, bins, trees and tree grates as required by Council's Landscape Architect – 9399 0786.

69. 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.
70. 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.
71. Prior to the issuing of a construction certificate, the applicant shall submit to Council for approval, and have approved, documentation (and amended plans if necessary) from a suitably qualified traffic engineer confirming that satisfactory sight lines will be provided for vehicles exiting the site in Aeolia Lane.
72. A Works Zone is to be provided in the vicinity of the site 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.
73. 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 safely access the development site during the demolition and construction phase of the development.

74. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed operational traffic management plan. The plan shall demonstrate how residential and delivery vehicles will safely access the proposed development in the operational phase of the development.
75. Prior to occupation of the development, a "restriction on the use of land" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to prohibit occupants of the development site from applying for residential parking permits at any time in the future. The restriction shall not be released, varied or modified without the consent of the Council.

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

76. 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:
- St Pauls Street: Match the back of the existing footpath along the full site frontage.
  - Aeolia Lane: Match the existing levels at the northeastern and northwestern corners of the property and grade linearly between these two points across the full site frontage.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

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

77. The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate.
78. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$860 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:**

79. 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.
80. 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.

81. 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.
82. 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 whether or not an electricity substation is required for the development.
83. All electricity and telecommunication cables/wires to service the development site across the road carriageway and/or the Council nature reserve (footpath area) are to be located underground to the satisfaction of the relevant service utility authority.
84. 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.sydneypwater.com.au](http://www.sydneypwater.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 Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

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

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

85. 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.
86. 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.
87. All site stormwater must be discharged (by gravity) to either:
- a) The underground drainage system in St Pauls Street, via a new and/or existing kerb inlet pit; OR
  - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
- Notes:
- a. All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
  - b. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
88. Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
89. A reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from the Council drainage system does not surcharge back into the site stormwater system.
90. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained

on the site for gradual release to the kerb and gutter or drainage system as required by the Development Engineer. 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.

91. 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.**

92. 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.

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

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

- a) 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)
- b) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
- c) 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

95. 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.

96. 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).

97. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
98. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
99. 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.

100. 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.
- 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.

101. 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).
102. 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:**

103. The residential waste storage area shall be sized to contain a total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins.
104. The commercial waste storage area shall be sized to contain a total of 4 x 240 litre bins (2 garbage bins & 2 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.
105. 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.
106. The waste storage areas shall be clearly signposted.
107. 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 satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:**

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be

- to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The subdivision plans shall indicate the location and dimensions of the detention/infiltration areas.
109. The **applicant** shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
110. All **conditions** of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.
111. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.

### **Landscape Conditions**

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

112. A landscape plan, prepared by a practicing professional with a minimum qualification of Associate Diploma - Landscape, or equivalent, shall be submitted to, and be approved by, the certifying authority, prior to the issue of a construction certificate, and is to include:
- a. A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), proposed building envelope, proposed areas of pavement, and proposed landscaped areas.
  - b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting, with all plants to be drawn at their mature.
  - c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes and proposed staking methods when applicable.
  - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
  - e. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
  - f. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.
113. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.
114. Documentary evidence from a practicing professional with a minimum qualification of Associate Diploma - Landscape, or equivalent, shall be submitted to the principal certifying authority (PCA) (and Council, if the Council is not the

PCA) prior to the issuing of a final occupation certificate, confirming that the landscape works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

### Tree Management

115. Approval is granted for the removal of the following trees subject to implementation of landscaping in accordance with the landscape plan which is approved for the construction certificate.

a) Two *Syagrus romanzoffianum* (Cocos Palms) in the rear yard

### ADVISORY MATTERS:

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

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

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

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

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

**MOTION: (Andrews/Seng)** that this application be refused as it does not comply with Council's parking requirements, the development is not in the public interest, the proposal exceeds the required FSR and the SEPP1 objection has not been met. **LOST.**

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

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

	Councillor White
	Councillor Woodsmith
<b>Total (2)</b>	<b>Total (13)</b>

**MOTION:(Nash/Woodsmith) CARRIED – SEE RESOLUTION.**

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

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

**CP82 /08 Director City Planning Report - 25-45 Donovan Road, Maroubra  
(DA/685/2008)**

376/08

**RESOLUTION: (Belleli/Andrews)**

- A. That Council as the responsible consent authority waive the requirement for a masterplan under Section 40A(2) of the Randwick Local Environmental Plan 1998 as amended in respect of Development Application No 685/2008 on the grounds that the proposed development is of a minor nature only and is ancillary to the current use of the land.
- B. That Council as the responsible consent authority grant consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979 as amended to Development Application No 685/2008 for alterations and additions to the existing school including removal of 2 existing demountables and the canteen, alter the existing library building, construct a new building to the north of the old library building, alter the existing class rooms to the east of the proposed library building and extend the upper floor classroom level partially over the proposed library building at 25-45 Donovan Avenue, Maroubra, subject to the following conditions:
  1. The development must be implemented substantially in accordance with the plans numbered DA01 – DA06, dated September 2008 and received by Council on 25 September 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions:
  2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape, to the satisfaction of Council.
  3. To protect the buildings from traffic noise intrusion, construction must satisfy the s of the Noise Impact Statement prepared by RSA Acoustics 7 July 2008

and received by Council 25 September 2008.

### **Security Deposit Conditions**

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

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

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

- The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:
- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
- Completion of the civil works as conditioned in this development consent by Council.

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

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

### **Traffic conditions/Civil Works Conditions**

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

5. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's roadway, kerb & gutter, footpath, nature strip etc along the site frontages 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.
6. 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.

### **Service Authority Conditions**

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

7. 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.
8. 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.
  9. 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.
  10. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

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

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

#### **Drainage Conditions**

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

##### *Protection from flooding*

11. All footings shall be suitably designed to ensure that they will not be adversely affected by stormwater inundation up to RL 20.24m AHD. Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issue of a construction certificate.
12. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issue of a construction certificate.

It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be structurally damaged in manner that could endanger lives during the PMF event.

##### *Drainage*

13. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the

development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
  - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
  - h) As the proposed development effectively cuts the site in two in regards to drainage, the plans shall demonstrate that this and the narrowing of the northern access to the site near the proposed Principals Office shall not create any flooding issues in the western half of the site.
14. 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.
15. All site stormwater (i.e. runoff from the redeveloped portion of the site) must be discharged (by gravity) to either:
- a. The Sydney Water stormwater canal located adjacent to the eastern boundary of the site via the existing connection point.;AND/OR
  - b. A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration



system).

16. Should stormwater be discharged to the canal, on-site detention must be provided to ensure that the maximum discharge from the redeveloped portion of the 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 redeveloped 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 the Director of City Services. 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.

17. 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.**

18. 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.

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

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

- a. 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)
- b. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
- c. 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 any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas

21. 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.

22. 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 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).

23. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
24. A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from canal/street drainage system does not surcharge back into the site stormwater system.
25. 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.

26. A sediment/silt arrester pit must be provided:-
- within the site at or near the street boundary prior to the site stormwater discharging by gravity to the canal/street drainage system; and
  - prior to stormwater discharging into any absorption/infiltration system.

The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:

"This sediment/silt arrester pit shall be regularly inspected and cleaned."

**Note: Sketch details of a standard sediment/silt arrester pit may be obtained from Council's Drainage Engineer.**

27. 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/tank 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).
28. 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.
29. Prior to the issue of an occupation certificate, 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 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.

#### **Waste Management Conditions**

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

30. All 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.
31. Waste management shall be undertaken in general accordance with the waste management plan submitted by applicant and stamped by Council 25<sup>th</sup> September 2008 (Appendix A).

#### **Landscape Conditions**

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

32. 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, prior to the completion of all site works.

### Tree Management

33. Approval is granted for the removal of those various native trees, consisting primarily of *Lophostemon confertus* (Brush Box's), *Callistemon viminalis* (Weeping Bottlebrush's) and various *Eucalyptus species* (Gum Tree's) surrounding the existing demountables should it be necessary during the course of the works, as they were assessed as being relatively insignificant due to their small size.
34. Permission is also granted for the selective pruning of those branches from trees being retained at the site which need to be pruned in order to avoid damage/conflict from site machinery, scaffolding or approved building lines during the course of the proposed works, but must not substantially alter the form, habit or structure of these trees.
35. 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

36. Those existing native trees around the perimeter of the site shall be retained due to their contribution to the environment as well as the amenity of the school grounds, and includes those from the southern edge of the vehicle access off Parer Street, extending up to the corner of Bunnerong Road, then along the length of the southern boundary, all the way to the western edge of the vehicle access off Bunnerong Road. To ensure they are preserved in good health, the following measures will need to be undertaken:
  - a. All plans must show their retention, with the position of their trunks and full diameter of their canopies to be clearly shown, together with distances/measurements between the outside edge of their trunks (at ground level) and any proposed works to be provided.
  - b. Every effort must be made, during both the design and installation phase, to ensure that any excavations associated with structures, services, footings, detention tanks, **stormwater infiltration systems, pipes etc**, will be located outside the extent of their canopies/driplines.
  - c. This group of trees around the perimeter of the site need to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a distance of 3 metres off their trunks, on that side which faces the proposed works.
  - d. 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".
  - e. Within this exclusion 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. Any roots encountered during excavations shall be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.

**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:**

37. 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.

38. 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*.

39. **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.

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

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

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

41. 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.

42. 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".
43. An **Occupation Certificate** must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

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

**Assessment Act 1979.**

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

46. 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](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

**Fire safety**

47. The existing levels of fire and safety within the premises are to be upgraded to achieve an adequate level of safety in accordance with the provisions of clause 94 of the *Environmental Planning and Assessment Regulation 2000* and a report prepared by a suitably qualified and experienced Building Code of Australia/Fire safety Consultant is to be submitted to and approved by Council's Manager of Health, Building & Regulatory Services, **prior to the issuing of a construction certificate**, in accordance with section 80A(2) of the *Environmental Planning and Assessment Act 1979*.

The report must include an assessment of the existing building and compliance with the Building Code of Australia. The report must also include details of the measures and works considered appropriate to achieve an adequate level of fire safety for the building and the occupants.

The upgrading works are to be included in **the construction certificate** and be implemented prior to issuing an occupation certificate for the new building or part and written confirmation is to be provided to Council accordingly.

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

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

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

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

**Structural adequacy**

49. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of an occupation certificate**, certifying the structural adequacy of the proposed new building works.

***Construction site management***

50. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (ass applicable):

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

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

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

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- e) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.



- f) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
52. 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.

53. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:
- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.
  - b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
  - e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
  - f) Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding must be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use

of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

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

#### ***Access and facilities for people with disabilities***

54. Access and toilet facilities for people with a disability are to be provided for patrons and staff, in accordance with Parts D3 & F2 of the Building Code of Australia & AS1428.1 (as applicable). Details are to be included in the **construction certificate**.

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

55. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration to other premises or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
56. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided to the satisfaction of the Certifying Authority and details are to be provided in the **Construction Certificate** Application.

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

57. All site works shall comply with the occupational health and safety requirements of WorkCover NSW.
58. Any new information which comes to light during demolition, excavation or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
59. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- New South Wales Occupational Health and Safety Act, 2000;
  - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
  - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
  - Protection of the Environment Operations Act 1997 (NSW) and
  - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

60. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

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

61. 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).

62. 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:**

63. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.
64. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

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

65. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
66. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
  - Health and hygiene requirements.
  - Requirements for food handlers and businesses.
  - Cleaning, sanitising and maintenance.
  - Design and construction of food premises, fixtures, fitting and equipment.

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

on-the-spot penalty infringement notices.

67. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, prior to commencement of food business operations.
68. Upon completion of the work and prior to the issuing of an occupation certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
69. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
70. The design and construction of food premises must comply with the following requirements, as applicable:-

- The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
- The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.

- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or

similar material is not permitted unless laminated on all surfaces.

- Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
  - Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
  - A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
  - Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
  - Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
  - A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
  - All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
71. Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.
72. A certificate or statement must be provided to the certifying authority and the Council, from a suitably qualified person, prior to occupation, which confirms that the mechanical ventilation system satisfies the relevant requirements of the Building Code of Australia and Australian Standards AS 1668 Parts 1 & 2.
73. Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works.
74. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste

Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.

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

**ADVISORY MATTERS:**

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

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

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

- A2. The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).

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

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part D1 - Provision for escape
- d) Part D2 - Construction of exits
- e) Part D3 - Access for people with disabilities
- f) Part E1 - Fire fighting equipment
- g) Part E4 - Emergency lighting, exit signs & warning systems
- h) Part F2 - Sanitary and other facilities
- i) Section J - Energy efficiency

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

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

- A3. 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.

**MOTION: (Belleli/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP83/08 Director City Planning Report - Draft Heffron Park Plan of Management - Public Exhibition (F2004/06879)**

377/08

**RESOLUTION: (Andrews/Belleli) that:**

- a) Council endorse the Draft Plan of Management for public exhibition subject to the approval of the Department of Lands; and
- b) Council agree that the Director, City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required for public exhibition of the draft Plan of Management.

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

Cr Belleli left the chamber at this point in the meeting, taking no part in the debate or voting on the following item.

**CP84/08 Director City Planning Report - A Framework for Assessing Applications for Use of Contingency Funds (F2006/00452)**

378/08

**RESOLUTION: (Smith/Nash) that this matter be deferred to the next available Council meeting for a Councillor briefing session from staff on how the new Contingency Fund Framework operates.**

**MOTION: (Smith/Nash) CARRIED – SEE RESOLUTION.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Matthews
Councillor Matson	Councillor Stevenson
Councillor Nash	Councillor White
Councillor Notley-Smith	Councillor Woodsmith
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Tracey	
<b>Total (9)</b>	<b>Total (5)</b>

**General Manager's Reports**

**GM42/08 General Manager's Report - Affixing of the Council Seal (F2004/07367)**

379/08

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

1. Omar Caspi (T/As Gusto Espresso Bar) in relation to a licence for the purpose of outdoor dining at 211 Coogee Bay Road, Coogee.
2. AMP Royal Randwick Pty Ltd in relation to a variation of lease over the Randwick Library premises at 73 Belmore Road, Randwick to include additional area required for the refurbishment works.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GM43/08 General Manager's Report - Late Night Trading Levy for Licensed Premises and Other Venues at Coogee (F2004/07501)**

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380/08 **RESOLUTION: (Belleli/Andrews) that:**

- a) the report be received and noted, and
- b) Council resolve not to raise a variable rate levy on late night trading liquor and other venues that contribute to the financial cost imposed on Council in maintaining the amenity of the Coogee area.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GM44/08 General Manager's Report - Coogee Diggers Licence of Tennis Courts in Baker Park (F2004/07367)**

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381/08 **RESOLUTION: (Belleli/Andrews) that Council enter into a five (5) year licence agreement with Coogee Diggers in accordance with the adopted Grants, Donations and Subsidy Policy and Community Facilities Management Policy and that the Council's Seal be affixed to the signing of agreements between Council and Coogee Diggers.**

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GM45/08 General Manager's Report - Reimbursement to Council of Costs Associated with By-Election (F2004/06584)**

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382/08 **RESOLUTION: (Belleli/Andrews) that Council receive and note the General Manager's report on the options available to the Council in pursuing any Councillor for the costs of holding a by-election because a false electoral address is supplied.**

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GM46/08 General Manager's Report - Randwick City Council 2007-08 Annual Report and State of the Environment Report (F2008/00582)**

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383/08 **RESOLUTION: (Belleli/Andrews) that the Randwick City Council 2007-08 Annual Report, including the 2007-08 State of the Environment Report be received and noted.**

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GM47/08 General Manager's Report - Randwick City Council Quarterly Report - September 2008 (F2007/00620)**

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384/08 **RESOLUTION: (Belleli/Andrews) that the information contained in the September 2008 Quarterly Review of the 2008-12 Management Plan be received and noted.**

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GM48/08 General Manager's Report - Proposed Amendment to Local Government Act to Remove Corporate Status of Councils (F2004/06652)**

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385/08 **RESOLUTION: (Bowen/Andrews) that the report be received and noted and the General Manager be requested to bring a report back to the next available meeting outlining the general implications of this legislation for Council.**



**MOTION: (Bowen/Andrews) CARRIED – SEE RESOLUTION.**

### **Director City Services Reports**

**CS28/08 Director City Services Report - Kellogg's Nutri-Grain IronMan Series on Coogee Beach - 22 February 2009 (F2004/08286)**

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386/08 **RESOLUTION: (Matson/Woodsmith) that:**

- a) the applicant be advised that Council gives its "in principle approval" to the organisers of the Kellogg's Nutri Grain IronMan Series at Coogee Beach and that Surf Sports Australia on behalf of Surf Life Saving Australia be advised accordingly; and
- b) the applicant comply with any conditions of approval that may be imposed once the application is processed, including the prohibition of the consumption of alcohol on the beach at the event.

**MOTION: (Matson/Woodsmith) CARRIED - SEE RESOLUTION.**

**CS29/08 Director City Services Report - Renaming Frenchmans Bay Reserve (F2004/06876)**

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387/08 **RESOLUTION: (Matson/Woodsmith)** that Council consult the La Perouse Land Council, the La Perouse Precinct Committee and local indigenous families with the results of the consultation and the naming options available to be reported back to Council.

**MOTION: (Matson/Woodsmith) CARRIED - SEE RESOLUTION.**

**CS30/08 Director City Services Report - Anzac Parade, Little Bay - Proposed Partial Road Closure (F2004/06326)**

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388/08 **RESOLUTION: (Nash/Andrews)** that this matter be deferred to allow for a presentation from the potential buyers of this land to clearly outline their intended use for the land.

**MOTION: (Nash/Andrews) CARRIED - SEE RESOLUTION.**

### **Director Governance & Financial Services Reports**

**GF53/08 Director Governance & Financial Services Report - NSW Police Forward Command Post at Coogee Beach - New Years Eve and Australia Day (F2004/08261)**

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389/08 **RESOLUTION: (Belleli/Andrews)**

That the General Manager make suitable arrangements with the Eastern Beaches Local Area Commander to provide access for Police to use the Coogee Eastward Senior Citizens Hall situated at 97R Brook Street, Coogee and part of Coogee Oval for the purpose of establishing the required Forward Command Post on:

- a) New Years Eve 2008 (including the following day); and
- b) Australia Day 2009.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

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**GF54/08 Director Governance & Financial Services Report - 2008-09 - Budget Review as at 30 September 2008 (F2008/00087)**

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390/08 **RESOLUTION: (Belleli/Andrews)** that:

- a) the report in relation to the September 2008 budget review be received and noted; and
- b) the proposed September 2008 budget variations shown in the attachment to this report be adopted.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

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**GF55/08 Director Governance & Financial Services Report - Investments - Update (F2004/06527)**

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391/08 **RESOLUTION: (Bowen/Nash)** that the updated Investment Policy be adopted.

**MOTION: (Bowen/Nash) CARRIED - SEE RESOLUTION.**

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**GF56/08 Director Governance & Financial Services Report - Investment Report - October 2008 (F2004/06527)**

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392/08 **RESOLUTION: (Bowen/Nash)** that the investment report for October 2008 be received and noted.

**MOTION: (Bowen/Nash) CARRIED - SEE RESOLUTION.**

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**GF57/08 Director Governance & Financial Services Report - Disclosure Responsibilities of Councillors - Campaign Donations and Political Donations (F2005/00800)**

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393/08 **RESOLUTION: (Belleli/Andrews)** that all Councillors acknowledge:

- a) receipt of written advice from the Election Funding Authority advising them of their responsibilities under the Election Funding and Disclosure Act 1981 and in particular their obligation to lodge a declaration every six months;
- b) that the General Manager has no such obligation regarding the administration of these provisions;
- c) receipt of the memorandum from the General Manager discussing the requirements for ongoing Councillor Training including the Department of Planning Guidelines for the Disclosure of Political Donations and Gifts and that it is a Councillor's responsibility to familiarise themselves with these guidelines; and
- d) receipt of the Department of Local Government's "Councillor Guide" which outline a Councillor's disclosure responsibilities at Council and Committee meetings.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

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**GF58/08 Director Governance & Financial Services Report - IPART Review of the NSW Tax System - Final Report (F2008/00113)**

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394/08 **RESOLUTION: (Andrews/Belleli)** that:

- a) the report be received and noted; and

- b) a Communication Strategy be developed by Council immediately, irrespective of whether or not IPART's recommendations are adopted by the State Government.

**MOTION: (Andrews/Belleli) CARRIED - SEE RESOLUTION.**

**GF59/08 Director Governance & Financial Services Report - Randwick City Council Hours of Operation - Christmas/New Year 2008/09. (F2004/06565)**

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- 395/08 **RESOLUTION: (Belleli/Andrews)** that Council adopt the proposed 2008/09 Christmas and New Year opening hours for the Administration Building, Depot and Randwick City Library Service.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GF60/08 Director Governance & Financial Services Report - Arrangements During Christmas/New Year Period for Decision Making and Schedule of Meetings for 2009 (F2004/06565)**

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- 396/08 **RESOLUTION: (Belleli/Andrews)** that:

- a) the Ordinary Council Meeting schedule to be held on Tuesday 9 December 2008 be deferred to Tuesday 16 December 2008 due to the Local Government Constitutional Summit being held in Melbourne from 8-11 December 2008;
- b) the Council Meeting recess commence following the ordinary meeting scheduled to be held on Tuesday 16 December 2008 and meetings be resumed on Tuesday 10 February 2009 (with Committee meetings being held on that night) and during the recess period the 'Council in Recess Procedure' be utilised, subject to the need for any extraordinary meetings, which may be called in extenuating circumstances; and
- c) the meeting schedule for the 2009 calendar year be adopted.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GF61/08 Director Governance & Financial Services Report - Review of Councillors Expenses & Facilities Policy (F2004/06576)**

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- 397/08 **RESOLUTION: (Belleli/Andrews)** that:

- a) a new clause be added to Part 3 of the policy (under "Provision of Facilities & Specific Expenses for Councillors – Equipment and Other Items not Required to be Returned") to read as follows:- (xvii) Corporate attire as considered appropriate by the General Manager and Mayor;
- b) the Councillors' Expenses & Facilities Policy be publicly exhibited for a period of 28 days in accordance with the requirements of the Local Government Act 1993; and
- c) a copy of this report and revised policy be submitted to the Department of Local Government.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GF62/08 Director Governance & Financial Services Report - Communication**

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**Devices Policy for Councillors (F2004/06735)**

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398/08 **RESOLUTION: (Belleli/Andrews)** that the 'Communication Devices Policy for Councillors' be adopted.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**GF63/08 Director Governance & Financial Services Report - Department of Local Government - Directory of Policy Advice for Councils (F2004/07403)**

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399/08 **RESOLUTION: (Belleli/Andrews)** that the report on the Directory of Policy Advice for Councils be received and noted.

**MOTION: (Belleli/Andrews) CARRIED - SEE RESOLUTION.**

**Petitions**

**P14/08 Cr Bruce Notley-Smith - Petition from Local residents Objecting to Amended Development Application on Corner of Anzac Parade and Pine Avenue, Little Bay (DA/615/2006 )**

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400/08 **RESOLUTION: (Belleli/Seng)** that the petition tabled be received and noted.

**MOTION: (Belleli/Seng) CARRIED - SEE RESOLUTION.**

**Motions Pursuant to Notice**

**NM47/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matthews - Increasing Pensioners Rate Rebate (F2008/00489)**

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401/08 **RESOLUTION: (Matthews/Andrews)** that, as part of the Communications Strategy resulting from the IPART Review, this Council write to the Minister for Local Government seeking her support to have the State Government fund an increase in the Pensioners Rate Rebate from \$250.00 to \$350.00 per annum.

**MOTION:(Matthews/Andrews) CARRIED – SEE RESOLUTION.**

**NM48/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matthews - Mowing Council's Nature Strips (F2004/07515)**

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402/08 **RESOLUTION: (Matthews/Belleli)** that a report be brought back to Council on the budget implications and options available to provide mowing services on naturestrips.

**MOTION: (Matthews/Belleli) CARRIED - SEE RESOLUTION.**

**NM49/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli - 1406-1408 Anzac Parade, Little Bay - Pocket Park (DA/1020/2007)**

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This matter was withdrawn with the consent of Council.

**NM50/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli - Mowing Council's Nature Strips (F2004/07515)**

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This matter was considered in conjunction with NM48/08. See resolution number 402/08.

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**NM51/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli  
- Weed Infestation on Nature Strips (F2004/06209)**

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403/08 **RESOLUTION: (Belleli/Seng)** that a report be brought back to Council on how to deal with the infestation of weeds on Council's nature/medium strips, such report to include options such as a garden competition with an award for the best nature strips in each suburb and a scheme for volunteers and community service program participants to work on the nature strips.

**MOTION: (Belleli/Seng) CARRIED - SEE RESOLUTION.**

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**NM52/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli  
- Kerb and Guttering of Anthony Lane, Matrville (F2004/00904)**

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404/08 **RESOLUTION: (Belleli/Mathews)** that Council consider including the kerb and guttering of Anthony Lane, Matrville in the 2009/2010 Budget.

**MOTION: (Belleli/Mathews) CARRIED - SEE RESOLUTION.**

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**NM53/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli  
- Improvement Programs for Endeavour Avenue, La Perouse &  
Mitchell Street, Chifley at Shops (F2005/00411)**

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405/08 **RESOLUTION: (Belleli/Nash)** that a report be prepared and brought back to an Ordinary Council meeting regarding a streetscape and civic improvement program for Endeavour Avenue, La Perouse & Mitchell Street, Chifley at the shops.

**MOTION: (Belleli/Nash) CARRIED - SEE RESOLUTION.**

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**NM54/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Nash -  
Upgrade of Belmore Road and Surrounding Streets in Randwick  
(F2004/06108)**

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406/08 **RESOLUTION: (Nash/Andrews)** that the General Manager report to Council on the need for a complete streetscape upgrade of Belmore Road, Randwick and surrounding streets (including undergrounding of overhead cables, road resurfacing and footpath upgrades) and that Council consider such an upgrade in the 2009/2010 Budget.

**MOTION: (Nash/Andrews) CARRIED - SEE RESOLUTION.**

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**NM55/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr  
Procopiadis - Use of Randwick Racecourse for UNSW Parking  
(F2007/00029)**

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407/08 **RESOLUTION: (Procopiadis/Andrews)** that a report come back to Council on options for the use of the Racecourse for University parking and the use of a shuttle bus to commute between the University and the Racecourse, such report to address issues such as potential traffic and transport generation.

**MOTION: (Procopiadis/Andrews) CARRIED - SEE RESOLUTION.**

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**NM56/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr  
Procopiadis - Venue for Mayoral Christmas Parties (F2008/00013)**

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This matter was withdrawn with the consent of Council.

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**NM57/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr  
Andrews - Cabinet Meeting for the 150th Anniversary Celebrations**

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**of Randwick Council (F2007/00449)**

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408/08 **RESOLUTION: (Andrews/Matthews)** that:

- (a) the Mayor be congratulated on his initiative of inviting the NSW Cabinet to conduct a Cabinet meeting in the City of Randwick as part of the 150 year anniversary celebrations of Randwick City Council; and
- (b) invite the State Government to support and jointly fund an historical recognition project with the council, such as an historic walk, to recognise the 150 years of Randwick Council.

**MOTION: (Andrews/Matthews) CARRIED - SEE RESOLUTION.**

**RESOLVED: (PROCEDURAL MOTION) (Smith/Belleli)** that the meeting be extended for an extra ten minutes in order to finalise all items on the agenda.

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**NM58/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Andrews - Surfing Walk of Fame, Maroubra Beach (F2004/08302)**

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409/08 **RESOLUTION: (Andrews/Matthews)** that:

- (a) Council call for nominations to be added to the Surfing Walk of Fame at Maroubra Beach, such nominations to be considered by the Committee specifically formed to judge all nominations; and
- (b) a function be held in conjunction with the Sydney Branch Surf Life Saving Championships to be held at Maroubra Surf Club in February 2009.

**MOTION: (Andrews/Matthews) CARRIED - SEE RESOLUTION.**

Note: Crs Andrews and Matthews left chamber between 11.30pm and 11.35pm during discussion of the first confidential item time.

**Confidential Reports (closed session)**

The meeting moved into closed session in order to consider the confidential items. The General Manager then read the following resolutions once the meeting moved back into open session.

**GF64/08 Confidential - Tender for Operation of Learn to Surf School & Equipment Hire & Refurbishment & Occupation of Tram/Bus Shelter (F2007/00627)**

*This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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410/08 **RESOLUTION: (Belleli/Nash)** that Council:

- (a) Accept the tender and enter into a five (5) + five (5) year lease and licence with Let's Go Surfing for the operation of the Learn to Surf School and equipment hire at Maroubra Beach and the Refurbishment and Occupation of the Old Tram/Bus Shelter at Marine Parade, Maroubra; and
- (b) grant authority to the General Manager to sign the lease and the Council's Seal be affixed to the five (5) + five (5) year lease and licence with Let's Go Surfing in accordance with the Tender T08/2008.

**MOTION: (Belleli/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CS31/08 Confidential - Civic Signage for Various Locations - Tender No T03/08 (F2008/00170)**

*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.*

411/08

**RESOLUTION: (Belleli/Andrews) that Council:**

- a) accepts the alternative tender offered by Cunneen & Company Pty Ltd at a lump sum price of \$93,014.00 to carry out the supply and installation of Civic signage in various locations;
- b) accepts all the schedule of rates submitted by Cunneen & Company Pty Ltd as per tender conditions; and
- c) authorises the General Manager to sign and affix Council's Common Seal to the contract documents on behalf of Council.

**MOTION: (Belleli/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**Notices of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 11.39 pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 9 December 2008.**

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**CHAIRPERSON**