



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON
TUESDAY, 24 MARCH 2009 AT 6:09PM.**

Present:

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

Councillor M Woodsmith (Deputy Chairperson) (North Ward)

North Ward	- Councillors K Smith & P Tracey
South Ward	- Councillors R Belleli & A White
East Ward	- Councillors T Bowen & M Matson
West Ward	- Councillors B Hughes, S Nash (from 6.15pm) & J Procopiadis
Central Ward	- Councillors A Andrews, 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

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Cr Matthews had previously been granted leave of absence. See Minute No PL1/09.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 24 FEBRUARY 2009**

52/09

RESOLUTION: (Smith/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 24 February 2009 (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 Smith declared a non significant non pecuniary interest in item CP8/09 as his employer has a business relationship with the applicant.
- (b) Cr Smith declared a pecuniary interest in item GM12/09 as his employer stands to make a financial benefit from this application. Cr Smith will be taking no part in the discussion or voting on this matter.
- (c) Cr Andrews declared a non significant non pecuniary interest in item GM7/09 as he knows some of the lessees as they reside in the Council area.
- (d) Cr Bowen declared a non significant non pecuniary interest in item CS6/09 as one of the tenderers has previously been retained by him to do minor work at his home.
- (e) Cr Procopiadis declared a non significant non pecuniary interest in item CP9/09 as he knows the developer.
- (f) the Mayor, Cr Bruce Notley-Smith declared a non significant non pecuniary interest in item CP10/09 as he used to live near the development and the applicant used to be his landlord.
- (g) all the Liberal Councillors declared a non significant non pecuniary interest in items CP8/09 and CP9/09 as the applicants have previously made donations to Liberal Party fundraisers.

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:

CP6/09 16A MELODY STREET, COOGEE

For Mr Anthony Betros (representing the applicant)

CP7/09 54 MOUNT STREET, COOGEE

Against Mr Sian Chua

For Tom Cox (Architect representing the applicant)

CP9/09 13-17 BOTANY STREET, RANDWICK 2031

For Mr Spiro Stavis

CP10/09 32 COOPER STREET, MAROUBRA

Against Mr Anthony Franzis

For Mr Nicholas Gray

GF14/09 DRAFT ECONOMIC DEVELOPMENT STRATEGY 2009

For Mr John Deegan

NR1/09 NOTICE OF RESCISSION MOTION – McNAIR AVENUE, KINGSFORD - PROPOSED FOOTPATH

For Mr Christopher Deakin-Bell

The meeting was adjourned at 6.52pm and was resumed at 7.11pm.

Mayoral Minutes**MM12 /09 Mayoral Minute - Waiving of Fees - Coogee to Bondi 5km Ocean Swim (F2004/08286)**

'53/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$542.50 to cover the fees associated with the Coogee to Bondi 5km Paddler Assisted Ocean Swim 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 event on behalf of Council.

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

MM13/09 Mayoral Minute - Request to Waive Fees to Film - ABC TV (F2004/07608)

'54/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$245.00 to cover the fees associated with filming for the ABC TV and that the funds be allocated from the 2008/09 Contingency Fund; and
- b) the producer of the show undertake to appropriately and prominently acknowledge and promote Council's contribution to the filming.

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

MM14/09 Mayoral Minute - Waving of Fees - Banner for Learning Links (F2004/06257)

'55/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the fees associated with the installation and dismantling of a banner be waived and \$2,807.00 be allocated from the 2008/09 Contingency Fund; and
- b) the organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution.

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

MM15/09 Mayoral Minute - Waving of Fees - Banner for South Coogee Public School Fete (f2004/06257)

'56/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the fees associated with the installation and dismantling of a banner be waived and \$1,777.00 be allocated from the 2008/09 Contingency Fund; and
- b) the organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the fete.

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

MM16/09 Mayoral Minute - Waiving of Fees - Banner for Our Lady of the Rosary's Spring Fair (F2004/06257)

'57/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the fees associated with the installation and dismantling of a banner and the hire of Council's banner poles by Our Lady of the Rosary be waived and \$1,777.00 be allocated from the 2008/09 Contingency Fund; and
- b) the organiser undertakes to appropriately and prominently acknowledge, and promote Council's contribution prior to and during the Spring Fair.

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

MM17/09 Mayoral Minute - Waiving of Fees - Banner for Rainbow Street Public School (F2004/06257)

'58/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the fees associated with the installation and dismantling of a banner for the Rainbow Street Public School (on the flagpole on the corner of Alison Road and Doncaster Avenue, Randwick), be waived and \$1,777.00 be allocated from the 2008/09 Contingency Fund; and
- b) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

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

MM18/09 Mayoral Minute - Sydney Children's Hospital - Request for Council Support for Gold Week 2009 (F2004/06540)

'59/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that Council supports the Sydney Children's Hospital in promoting their annual Gold Week 2009 Campaign by:**

- (a) waiving the fees of \$6,703.00 associated with displaying their banner advertising Gold Week at four different locations throughout the City from 25 May through to 5 June 2009 with funds to come from the Council Contingency Fund 2008/09;
- (b) raising donations at staff functions;
- (c) selling Gold Week merchandise at various Council locations; and
- (d) promoting the event on Council's website.

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

MM19/09 Mayoral Minute - Waiving of Fees - Sydney 2009 World Masters Games - Beach Volleyball (F2004/08302)

'60/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the fees associated with the Sydney 2009 World Master Games – Beach Volleyball at Maroubra Beach be waived and \$6,556.20 be allocated from the 2008/09 Contingency Fund;
- b) the event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or his representative be given the opportunity to address the event

on behalf of Council.

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

MM20/09 Mayoral Minute - Supporting installation of photovoltaic (solar) panels at Clovelly Lifesaving Club (F2005/00230)

'61/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council agrees to fund 25 percent of the project costs to a maximum of \$6,500.00 for the installation of solar panels at the Clovelly Lifesaving Club.

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

MM21/09 Mayoral Minute - Supporting Clovelly Childcare's Sustainability Open Day in May, 2009 (F2005/00872)

'62/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council agrees to provide support to the value of \$450.00 for the Clovelly Childcare Centre's sustainability initiatives and that this amount be funded from the 2008/09 Contingency Fund.

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

Urgent Business

Nil.

Director City Planning Reports

CP6/09 Director City Planning Report - 16A Melody Street, Coogee (DA/964/2007/A)

'63/09 **RESOLUTION: (Andrews/Nash)**

That Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 964/2007 for widening of the garage entry, minor reconfiguration of the window openings and internal floor layout, addition of a spa pool, adjustments to the swimming pool setback, provision of additional timber decking adjacent to the pool, and removal of brick infill and cement rendering of the front fencing, at No. 16A Melody Street, Coogee, in the following manner:

- **Amendment of the Deferred Commencement Condition to read as follows:**

Deferred Commencement Condition

The design of the proposed vehicular access, garage and turntable shall be in accordance with the plans numbered S96/01/A, S96/02/A, S96/03/A, S96/04/A and S96/05/A prepared by Philip Leamon & Associates dated 9 December 2008 and received by Council on 17 December 2008.

- **Amendment of Condition 1 of the development consent to make reference to the Section 96 drawings, which will read as follows:**

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

Plan Number	Dated	Received
DA/01/A	11-06-08	23 June 2008
DA/02/A	11-06-08	23 June 2008
DA/03/A	11-06-08	23 June 2008

DA/04/A	11-06-08	23 June 2008
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prepared by Form Architecture, the application form and any supporting information received with the application, as amended by the following **Section 96 plans:**

Plan Number	Dated	Received	Prepared by
S96/01/A	09-12-08	17 Dec 2008	Philip Leamon & Associates
S96/02/A	09-12-08	17 Dec 2008	
S96/03/A	09-12-08	17 Dec 2008	
S96/04/A	09-12-08	17 Dec 2008	
S96/05/A	09-12-08	17 Dec 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:

- **Imposition of Condition 59 to read as follows:**

59. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the satisfaction of the Principal Certifying Authority prior to an Occupation Certificate being issued for the development (with a copy forwarded to Council where it is not nominated as the certifying authority), which demonstrates and certifies that noise and vibration emissions from the development, including the proposed garage roller door, motor and turntable, 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.

- **Imposition of Condition 60 to read as follows:**

60. Any surface claddings for the proposed garage door are to be made of timber materials and not metals, in order to minimise noise emission during opening and closing. Details demonstrating compliance with the above requirement shall be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.

- **Imposition of Condition 61 to read as follows:**

61. Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and regulations.

A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitles "Policy Statement No. 9.4.1; Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitles "Cardio Pulmonary Resuscitation: published by the Australian Resuscitation Council.

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

**CP7/09 Director City Planning Report - 54 Mount Street, Coogee
(DA/783/2008)**

64/09

RESOLUTION: (Matson/Hughes) that this development application be deferred to the next available meeting to allow for mediation between the applicant and objector to explore options for increasing the security of neighbouring buildings as a result of this development and to further consider the FSR and height of the proposed development.

MOTION: (Matson/Hughes) 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 Smith
Councillor Belleli	Councillor Stevenson
Councillor Bowen	Councillor Tracey
Councillor Hughes	Councillor White
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Woodsmith	
Total (10)	Total (4)

**CP8/09 Director City Planning Report - 212 Arden Street, Coogee
(DA/846/2008)**

65/09

RESOLUTION: (Andrews/White) that this application be deferred to the next ordinary Council meeting to allow the applicant to submit a Safety Management Plan and other supporting documentation in support of the development application.

MOTION: (Andrews/White) 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 Bowen
Councillor Belleli	Councillor Hughes
Councillor Nash	Councillor Matson
Councillor Notley-Smith	Councillor Procopiadis
Councillor Seng	Councillor Tracey
Councillor Smith	Councillor Woodsmith
Councillor Stevenson	
Councillor White	
Total (8)	Total (6)

**CP9/09 Director City Planning Report - 13-17 Botany Street, Randwick
2031 (DA/850/2008)**

66/09

RESOLUTION: (Andrews/Nash)

- A. That Council, as the consent authority, supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 32 and Clause 33 of Randwick Local Environmental Plan 1998, relating to maximum floor space ratio and maximum building height, on the grounds that the proposed development complies with the objectives of

the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.

- B.** That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/850/2008 for Demolition of all buildings on site, site remediation, construction of 53 residential units in a part 3, part 4 storey building, basement parking for 69 vehicles, strata subdivision and associated works at No 13-17 Botany road, Randwick, subject to the following conditions:-

REFERENCED PLANS:

1. The development must be implemented substantially in accordance with the plans numbered inclusive prepared by

Plan Number	Dated	Received	Prepared by	
DA00B	September, 2008	24 Nov 2008	Jackson Teece Architects	
DA01B	August, 2008	24 Nov 2008		
DA02B	September, 2008	24 Nov 2008		
DA32B	August, 2008	24 Nov 2008		
LA01	07.11.2008	24 Nov 2008	Taylor Brammar Landscape Architects	
LA02	07.11.2008	24 Nov 2008		
DA-C100	Nov 2008	24 Nov 2008	Henry & Hymas	
DA-C101	Nov 2008	24 Nov 2008		
DA-C102	Nov 2008	24 Nov 2008		
DA-C200	Nov 2008	24 Nov 2008		
DA-C210	Nov 2008	24 Nov 2008		
DA-C211	Nov 2008	24 Nov 2008		
DA-SE01	Nov 2008	24 Nov 2008		
DA-SE02	Nov 2008	24 Nov 2008		
DA10C	August, 2008	15 Jan 2009		Jackson Teece Architects
DA11C	August, 2008	15 Jan 2009		
DA12C	August, 2008	15 Jan 2009		
DA13C	August, 2008	15 Jan 2009		
DA14C	August, 2008	15 Jan 2009		
DA15C	August, 2008	15 Jan 2009		
DA20C	August, 2008	15 Jan 2009		
DA21B	Nov 2008	15 Jan 2009		
DA22C	August 2008	15 Jan 2009		
DA23C	August 2008	15 Jan 2009		
DA30C	August 2008	15 Jan 2009		
DA31C	August 2008	15 Jan 2009		
DA40C	August 2008	15 Jan 2009		
DA41C	August 2008	15 Jan 2009		
DA42C	August 2008	15 Jan 2009		

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

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's

Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning & Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.

1. There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.
2. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.

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

BASIX Conditions

3. In accordance with Section 80A (11) of the *Environmental Planning & Assessment Act 1979* and Clause 97A of the *Environmental Planning & 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.
4. 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.

5. 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:
 - 1) Stormwater management (i.e. rainwater tanks)
 - 2) Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
 - 3) Landscaping provisions
 - 4) Thermal comfort (i.e. construction materials, glazing and insulation)
 - 5) Energy efficiency (i.e. cooling & heating provisions and hot water systems)
6. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.
7. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
8. Street numbering must be provided to the premises in a prominent position,

to the satisfaction of Council.

9. In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of an appropriate street number/s to the development.
10. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
11. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.
12. 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.
13. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
14. Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.
15. Lighting to common areas of the development 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.
16. 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.
17. A substation is required to be constructed on the site as directed by Energy Australia. Details of the location, dimensions and any screening measures are to be submitted **prior to issuing a construction certificate**.

Heritage Conditions

18. An Interpretation Strategy should be prepared, in accordance with the NSW Heritage Office Policy and Guidelines for Interpreting Heritage Places. The Interpretation should address, but not be limited to:
 - o the Stewart Family,
 - o the Veterinary Hospital and its constituent elements,
 - o The association with the racecourse,
 - o Veterinary practices of the period
 - o Market gardens
 - o The reuse or display of relevant fabric and relics, such as the forge, which may be salvaged from the site and are appropriate for interpretation

The Interpretation Strategy shall be prepared by a suitably qualified and experienced Heritage Consultant, and shall be to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979

prior to a construction certificate being issued for the development.

19. The Interpretation Strategy is to be implemented in conjunction with the proposed development. Details of the proposed interpretation are to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Interpretation is to be located in a publicly visible place on the site and the Strategy is to include a maintenance and ownership plan to be adopted by the body corporate for the proposed building.
20. An oral history is to be prepared in accordance with the Oral History Association Handbook (4th Edition), by Beth Robertson, by a member of the Oral Historian Association of Australia. This Oral History shall be to be submitted to and approved by Council's Director of Planning and Community Development, 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 Oral History is to be placed in the Local History Collection of Randwick City Library.
21. The Oral History and the Interpretation Strategy is to be placed in the Local History Collection of Randwick City Library.
22. In the event any relic is uncovered during excavation, an Excavation Permit is to be obtained in accordance with Section 139 of the NSW Heritage Act.
23. An archival recording of the property shall be prepared and submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Particular consideration should be given to the recording of structures and features, with relevant details, identified as having moderate significance in the GSA Planning HIS. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library."

Section 94 Contributions.

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	Contribution
Development Cost More than \$200,000	\$10,821,575.00	1.0%	\$108,215.75

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

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

The following conditions have been applied to maintain reasonable levels of

amenity to the area:

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

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

26. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.
27. 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 that the development satisfies the provisions of the *Environmental Planning and Assessment Act 1979 and Regulations*:

28. 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.

29. 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*.

30. **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.

31. **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.

32. 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.

33. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
34. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building** in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and

conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

35. **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.

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

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

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

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.

37. 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.

38. 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.

39. As a minimum, the building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of

Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.

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

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

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

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

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

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

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, veranda's, fences, retaining walls, swimming pools and driveways etc.*) located upon **all of the premises adjoining the subject site.**

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

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

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

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. 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.

51. A report prepared by a suitably qualified and experienced person shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council upon commencement of works or as otherwise specified by the PCA or Council, certifying that noise and vibration emissions from the

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

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

52. 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.
- a) 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.
- b) 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.
- 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 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.
- e) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article on the road, nature strip or footpath.
- f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- g) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993*

and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

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

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

- h) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
53. 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.
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 and methods of disposal of demolition materials;
 - protective measures for tree preservation;
 - provisions for temporary sanitary facilities;
 - location and size of waste containers/bulk bins;
 - details of proposed sediment and erosion control measures;
 - construction noise and vibration management;
 - construction traffic management provisions.

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

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.

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, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by

an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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

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

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

58. 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.

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

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

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

- Date the demolition and removal of asbestos will commence

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

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

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

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

- b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.

- 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 reasonable levels of access for people with disabilities:

61. Access and provisions for people with a disability are to be provided to the development generally in accordance with the relevant requirements of Part 5.4 of Council's Development Control Plan for Multi-Unit Housing, AS 1428.1 – Design for Access and Mobility and AS 4299 – Adaptable Housing. Details are

to be included in the Construction Certificate to the satisfaction of the certifying authority.

Security Deposit Conditions

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

62. 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:

63. The applicant must meet the full cost for Council or a Council approved contractor to:

- a) Construct a heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Waratah Avenue.
- b) Remove all redundant vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- c) Construct new concrete kerb and gutter along the Waratah Avenue site frontage, except opposite the vehicular entrance, including associated road works.
- d) Reconstruct any damaged sections of kerb and gutter along the Botany Street site frontage, including associated road works.
- e) Construct new concrete footpath along both site frontages. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

64. 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.

65. 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.
66. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
67. The driveway opening at the Waratah Avenue site frontage must be a minimum of 5.5 metres wide. The internal driveway must be a minimum 5.5m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. The internal driveway/ramp must be designed for two way traffic movements at all points along the driveway/ramp. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
68. The vehicular access and the basement carpark (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement; particular attention should be given to the design gradients along the proposed internal driveway.
69. To improve visibility at the intersection of Botany Street and Waratah Avenue, a minimum 3.0 metre x 3.0 metre splay corner shall be provided at ground level. There shall be no walls or planting higher than 600mm located within the splay corner.
70. A Works Zone is to be provided in Waratah Avenue for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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

71. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.
72. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act

1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

Alignment Level Conditions

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

73. 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:

- **Waratah Avenue: Match the back of the existing concrete footpath along the full site frontage.**
- **Botany Street: 20mm above the back of the existing concrete footpath at all points opposite the footpath, along the full site frontage.**

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

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

74. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.

75. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$5572 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.

Service Authority Conditions

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

76. 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.

77. 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.

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

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

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

80. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
81. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
82. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

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

Drainage Conditions

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

83. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering

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

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
84. 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.
85. All site stormwater must be discharged (by gravity) to the underground drainage system in Waratah Avenue, via a new and/or existing kerb inlet pit.

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.

- c. Details for all stormwater drainage works in Council Property shall be submitted to and approved by Council's Asset's Drainage Engineer prior to the stormwater works being undertaken.

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

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

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

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

87. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
88. The maximum depth of ponding in above ground detention areas 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

89. Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
90. The floor level of all habitable and storage areas adjacent to the detention area 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).

91. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
92. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.
93. 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.
94. 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.

95. 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 street drainage 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.

96. Three covered car washing bays shall be provided for this development.

- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.
 - b) The car washing bays must be located outside any required/approved stormwater detention system.
 - c) The car washing bays must be signposted with *'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bays.
97. 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); and
 - f) Details of any pumping systems installed (including wet well volumes).
98. 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.
99. As the above site may encounter groundwater within the depth of the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes: -

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
 - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
100. A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering process. This report is to be

prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:

- The proposed method of shoring/piling and dewatering.
- The zone of influence of any possible settlement.
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises).
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

101. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Waste Management Conditions

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

102. The residential waste storage area shall be sized to contain a total of 54 x 240 litre bins (27 garbage bins & 27 recycle bins) whilst providing satisfactory

access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.

103. The waste storage 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.
104. The waste storage areas shall be clearly signposted.
105. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

Strata Subdivision Conditions

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

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

Notes:

- A) The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council.
 - B) The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
107. 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.
 108. 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.
 109. 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:

110. Landscaping at the site shall be installed substantially in accordance with the landscape plan prepared by Taylor Brammer Landscape Architects, drawing numbers LA01 - 02, job number 04-200S, revision B, dated 16.08.04, subject to the following additional requirements being shown an amended plan, which shall be submitted to, and be approved by, the PCA, prior to the issue of a

construction certificate (with a copy of the approved plans to be forwarded to Council if not the PCA, prior to commencement of any site works) including:

- a. All landscape plans being updated to reflect the changes that have been made to the architectural plans, and must clearly show the extent of the basement levels, as well as any balconies/awnings.
- b. The size and location of all existing trees within the site, as well as within 6 metres of the common boundaries (being the adjoining nature strips and private properties), must be accurately shown, with all internal trees to be shown for removal, with the six Hills Weeping Figs on the Waratah Avenue nature strip to be retained. (Refer also Tree Management & Tree Protection conditions).
- c. The planting plans and plant schedules must clearly nominate the exact quantity and location of all proposed species.
- d. Along with other smaller, more decorative plantings, Council also requires that the following also be provided in order to compensate for the large loss of established vegetation from the site as part of the proposed development:
 - i) A minimum of two x 100 litre (pot/bag size at the time of planting) trees along the western boundary, fronting Botany Street, selecting those species which will attain minimum heights at maturity of 10 metres;
 - ii) One 100 litre feature/accent tree or similar within each private courtyard fronting Waratah Avenue, which will attain a mature height of between 4-7 metres;
 - iii) One 400 litre broad canopied, native tree species in the southeast corner of the site, which will achieve a minimum height of 15 metres;
 - iv) A minimum of six 100 litre native trees, that will attain at least 8 metres in height, along the length of the eastern boundary to afford screening and privacy between the subject site and adjoining unit block to the east;
 - v) A total of two, 600-800 litre, *Lophostemon confertus* (Brush Box) shall be planted along either the eastern or northern boundaries;
 - vi) A minimum of eight 100 litre trees along the length of the northern boundary which will achieve a height of at least 8 metres upon maturity, with a minimum of five 200 litre trees to be inter-planted in the same area, using those that will grow to a minimum height of 12 metres.
- e. 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.
- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm, with details confirming compliance to be provided.
- h. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted

areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.

- i. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
 - j. Any substation required shall be screened from view, with the proposed location, elevation and screening method to be shown.
111. 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.
112. Prior to the issuing of a final occupation certificate, the PCA must receive a statement/certificate from a qualified Landscape Architect (member of AILA) or Landscape Designer/Manager (member of AILD), which references the approved plans and relevant conditions of consent, and must confirm that the landscaping works have been completed in accordance with the development consent.
113. That part of either of the nature-strips which is damaged as a result 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 at the applicant's cost, to Council's satisfaction, and prior to the issue of a final occupation certificate.

Tree Management

114. Approval is granted for removal of all existing vegetation within the site in order to accommodate the proposed works as shown (20 trees in total), subject to full implementation of the approved landscape works, prior to the issue of a final occupation certificate, and includes:
- a) One *Lophostemon confertus* in the northwest corner of the site;
 - b) Two *Cinnamomum camphora* (Camphor Laurels) immediately to the south of the tree described above;
 - c) One *Lophostemon confertus* (Brush Box) immediately to the south, towards the southwest corner of the site;
 - d) One *Cinnamomum camphora* (Camphor Laurel) near the southeast corner of the existing dwelling at 17 Botany Street;
 - e) One *Bauhinia variegata* (Orchid Tree) immediately to the east of the tree described above, as it is too small for Council's TPO;
 - f) One *Cinnamomum camphora* (Camphor Laurel) about halfway along the length of the southern boundary;
 - g) One *Syagrus romanzoffianum* (Cocos Palm) towards the centre of the site, as this species is no longer covered by Council's revised TPO;
 - h) One *Salix matsudana 'Tortuosa'* (Twisted Willow) towards the northwest corner of the site, close to the northern boundary;
 - i) One *Cinnamomum camphora* (Camphor Laurel) immediately to the east of the tree described above;
 - j) One *Brachychiton acerifolius* (Flame Tree) immediately to the east of the tree described above;

- k) One prominent *Jacaranda mimosifolia* (Jacaranda) located centrally in the site;
- l) One *Schinus areira* (Peppercorn Tree) to the northeast of the tree described above;
- m) One *Callistemon viminalis* (Bottlebrush) adjacent the tree described above;
- n) Two *Cinnamomum camphora* (Camphor Laurels) immediately to the north, along the northern boundary;
- o) One *Schinus areira* (Peppercorn Tree) in the same area described above;
- p) One *Populus nigra 'Italica'* (Lombardy Poplar) in the northeast corner of the site; and
- q) Two *Lophostmeon confertus* (Brush Box) around the existing free standing sheds, about halfway along the eastern boundary, towards the northeast corner of the site.

Street Tree Management

115. In order to ensure preservation of the row of six *Ficus microcarpa var. 'Hillii'* (Hills Weeping Figs) located along the length of the Waratah Avenue nature strip, being three to the west of the existing vehicle crossing, and three to its east in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application MUST show the retention of all six street trees, with the position of their trunks and full diameter of their canopies to be clearly shown on all drawings.
 - b. All detailed documentation submitted for the construction certificate must show that any excavations associated with the western edge of the proposed vehicle crossing being setback a minimum distance of 2.3 metres off the outside edge of the trunk (measured at ground level) of the second most easterly street tree, as has been shown, with the crossing not to exceed 6 metres in width.
 - c. In order to minimise damage to the root systems of these street trees, any services, stormwater systems, pipes etc which need to be installed over public property, must be located along the eastern side of the new vehicle crossing.
 - d. **At least 4 weeks prior to the commencement of any site works**, the applicant must contact Council's Landscape Development Officer on 9399-0613, to arrange for a joint inspection to determine whether pruning to these street trees is required in order to avoid damage/interference during the course of the works.
 - e. The applicant must cover the total cost of this pruning work, which shall be performed prior to commencement in order to minimise damage, with the specified amount needing to be received by Council at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development.**
 - f. Each tree shall be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located along the back of the footpath to their north, the back of the kerb to their south, as well as a distance of 2 metres to both the east and west of each of their trunks (measured off their outside edge at ground level) in order to completely enclose each tree for the duration of the works.

- g. 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".
- h. Prior to undergrounding the existing overhead power lines (which must be located as close to the front property boundary as practically possible), as well as replacing the pedestrian footpath, both along the length of the Waratah Avenue frontage, Council or Councils approved contractors must expose and perform any root pruning deemed necessary, and may involve the installation of root barriers. The applicant shall cover the full cost of this work, with the specified amount to be received by Council at the Cashier on the Ground Floor of the Administrative Centre, **prior to the issue of a final occupation certificate.**
- i. The applicant is not authorised to perform any works to any of these street trees, 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.
- j. Within the zone specified in point 'f' 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.
- k. Any roots encountered within the site during excavations associated with the approved works shall be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- l. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of **\$10,000.00 (no GST)** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these street trees.

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 these trees at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary.

Advisory Conditions

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

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. It is noted that the distance between exits in the basement carpark does not comply with Clause D1.5 of the BCA-Distance between alternative exits

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

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

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

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

**CP10/09 Director City Planning Report - 32 Cooper Street, Maroubra
(DA/792/2008)**

67/09

RESOLUTION: (Andrews/Seng) that this matter be deferred for mediation between the applicant and objectors in relation to issues including overshadowing and the length of the proposed extension of the rear of the development.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Hughes
Councillor Belleli	Councillor Smith
Councillor Bowen	Councillor Tracey
Councillor Matson	Councillor White
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Woodsmith	
Total (10)	Total (4)

**CP11/09 Director City Planning Report - 508-510 Bunnerong Road,
Matraville (DA/757/2008)**

68/09

RESOLUTION: (Andrews/Nash)

- A. That Council, as the consent authority, supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 42DA of Randwick Local Environmental Plan 1998, relating to maximum number of storeys and maximum building height, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. 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. 757/2008 for demolition of existing buildings and construction of a mixed use development being one 4 storey building and one 5 storey building comprising 12 residential units, 2 commercial/retail spaces, basement parking for 21 vehicles and associated works, at No. 508–509 Bunnerong Road, Matraville, subject to the attached conditions of consent:
1. The development must be implemented substantially in accordance with the plans numbered, DA1000, DA1100, DA2000, DA2001, DA2002, DA2003, DA3000, DA3001, and DA3100, all Revision A, dated October 2008, and stamped received by Council on 21 October 2008, the application form and any supporting information received with the application, except as may be amended by the following conditions, and as may be shown in red on the attached plans:

The following conditions are applied to protect the environmental amenity of the subject development and the adjoining properties:

2. The colours, materials and finishes of the external surfaces to the building must be consistent with the approved drawings and the sample board prepared by Sgammotta Architects and submitted to Council with the development application on 21 October 2008. .
3. Details of the following amendments 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:
 - Provision of water retention for garden watering and car washing.
 - Provision of foam insulation covered with pebble ballast to the roof slab to provide effective thermal comfort to the top floor apartments.
 - Provision of ceiling fans in bedrooms.
 - Provision of appropriate window types to all rooms to allow for different weather conditions and give occupants a variety of ventilation options.
 - Improvements in the entry arrangements to the Baird Lane building from the courtyard.
 - Provision of solid balustrade to the entry balcony of the proposed unit B1 and operable metal louvres to enhance visual and acoustic privacy to this unit.
 - Provision of non load bearing internal walls in unit B1 to allow for possible future conversion to home/office or commercial space.
 - Reduction in the dominant banding of balustrades on the Bunnerong Road elevation.
 - Integration of the lift overrun and the lobby roof into the recessed top floor/roof design of the Bunnerong Road building.
4. The reflectivity index of external glazing for windows of the proposed development is to be no greater than 20%. Written confirmation of the

reflectivity index of glazing materials is to be submitted with the Construction Certificate application.

(Note: The reflectivity index of glazing can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.)

5. The design, dimension, line-marking, sign-posting and construction of the proposed car parking spaces and access aisles shall be consistent with the provisions of Australian Standard 2890.1: Off-street car parking. Details of compliance are to be included in the Construction Certificate application.
6. Street and unit 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. In this regard, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, prior to issue of the Occupation Certificate.
7. 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.
8. 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.
9. 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.
10. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

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

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

11. Power supply and telecommunications cabling to the development shall be underground.
12. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
13. The finished ground levels external to the building are to be consistent with the development consent No 763/2004 and are not to be raised (other than for the

provision of paving or the like on the ground) without the written consent of Council.

14. 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
15. Each of the tandem carparking spaces proposed shall be allocated to a common/same individual dwelling unit.
16. 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.

17. Vehicular access to the residential and commercial car parking within the development shall be readily accessible to visitors at all times. Where a security gate is provided restricting access to the basement carparking area, a suitable intercom system shall be installed adjacent to the vehicular entrance together with appropriate instructions signage to provide for access to visitor spaces at all times.
18. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	Not applicable.	0.5%	Not applicable.
Development Cost More than \$200,000	\$2,970,000	1.0%	\$29,700.00

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

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

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

20. The development must be implemented substantially in accordance with any requirements of the NSW Roads Traffic Authority (RTA) as contained in the RTA's letter dated 20 February 2009.

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

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

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

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

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

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

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

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

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

- a) Construct a full width heavy duty concrete layback at kerb opposite the vehicular entrance to the site.
- b) Remove the redundant concrete vehicular crossing and layback in Bunnerong Rd and reinstate the area with concrete footpath, paving and integral kerb and gutter to Council's specification.
- c) Reconstruct and damaged concrete footpath along the Bunnerong Rd frontage in accordance with Urban design Guidelines for Matraville Junction.
- d) Remove "No Parking" signs from either side of the redundant driveway entrance in Bunnerong Rd and replace with signage as required by Council's Transport Manager.
- e) Relocate the "No Parking" sign in Baird Lane south of the new vehicular crossing in Baird Lane.

23. 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.

24. 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.

25. The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.
26. A Works Zone is to be provided in Bunnerong Rd 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.

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

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

28. The minimum clear distance from the existing footpath in Bunnerong Rd to the underside of the proposed awning shall be 3.00 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
29. The minimum clear distance from the existing footpath in Bunnerong Rd to the underside of the proposed under awning sign shall be 2.60 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
30. All new awnings shall be set back a minimum of 600mm from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
31. Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.

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

32. 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 as follows:

Bunnerong Rd Frontage – Match the existing Council footpath levels at all points along the site frontage.

Baird Lane Frontage – Driveway Entrance - 50mm below the existing Council kerb level at all points along the driveway entrance.

Pedestrian Entrance – 20mm above the existing Council kerb level opposite the pedestrian entrance to Unit B1.

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

33. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.
34. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1343.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

35. 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.
36. 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.
37. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

38. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
39. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to

organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated and the ducts for the high voltage wires/cables constructed underground. All cables (other than the high voltage) must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of either an occupation certificate and/or release of the strata subdivision for the development.

The undergrounding shall extend to the nearest power poles outside of the developments site frontages in both Bunnerong Rd and Baird Lane.

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

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

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

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

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

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

categories:

- i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
42. 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.
43. All site stormwater must be discharged (by gravity) to either:
- a) The kerb and gutter or drainage system at either the Bunnerong Rd or the Baird Lane frontage; OR
 - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
44. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.
- Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.
45. 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.

46. 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.
47. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
48. Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property.
49. 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

50. 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.
51. 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).

52. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
53. 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.

54. A sediment/silt arrester pit must be provided:-

- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- b) prior to stormwater discharging into any absorption/infiltration system.

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

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

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

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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.
- c. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

56. One covered car washing bay shall be provided for this development.

- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed

- development.
- b) The car washing bay must be located outside any required/approved stormwater detention system.
 - c) The car washing bay may be located within the visitor parking spaces provided they are signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'
 - d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay.
57. 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).
58. 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.
59. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes: -

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

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

61. The garbage room areas will have to be designed so as to be able to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
62. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
63. The waste storage areas shall be clearly signposted.
64. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.
65. An additional garbage area will have to be constructed for the proposed 2 shops and office area. The applicant is to liaise with Council's Manager of Waste regarding the required size of this garbage area. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.

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

66. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan by Botanica, drawing No: LP.01/A, sheet 1 of 1, job number 080802, issue A, dated 20.10.08, subject to the following additional requirements being shown on an amended plan which shall be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate:
 - a. All planter boxes containing either groundcovers, plants or shrubs that will be smaller than 4 metres in height once mature, must have a minimum soil depth of 600mm.
 - b. Similarly, those raised planters containing any large shrubs or trees that will achieve or exceed 4 metres in height at maturity must have a minimum soil depth of 800mm, with the planted area to measure a minimum width of 2.5m x 2.5m.
 - c. Additional notation showing soil and mulch details, irrigation details, edging, paving, seating, fencing details, surface finishes, retaining walls, waterproofing and drainage details, lighting, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
 - d. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - e. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
 - f. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.

- g. Any substation required shall be screened from view, with the proposed location, elevation and screening method to be shown on all detailed landscape drawings and specifications.
67. Documentary evidence is to be obtained from a suitably qualified Landscape Architect (member of AILA), or Landscape Designer/Manager (member of AILDLM), which shall be submitted to the PCA (and Council, if not the PCA), prior to the issuing of a final occupation certificate, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of consent.

Streetscape Conditions

68. The applicant must ensure that no damage occurs to any of Council's Bunnerong Road footpath or associated fixtures, for the full length and width of the site, with any damage to be repaired, reinstated or replaced wholly at the applicants cost, and to Council's satisfaction, prior to the issue of a final occupation certificate.

NOTE: Refer also to Security Damage/Infrastructure condition at the start of this report, which places a refundable \$5000 bond to cover this component.

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:

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

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

70. 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.
71. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
72. There are to be no emissions or discharges from the premises, which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulation.

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

73. 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.
74. 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.

75. 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 and heating provisions and hot water systems)

76. In accordance with Clause 154B of the Environmental Planning and 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 documentation evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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

77. 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.

78. 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.
79. 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.

80. 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.

81. 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.

82. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours,
 - name, address and telephone number of the Principal Certifying Authority,

- a statement stating that "unauthorised entry to the work site is prohibited".

83. 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.

84. 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.

85. 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.

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

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

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

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

87. 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:

88. 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.

89. 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.

90. 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.

91. 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, verandahs, 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.

92. 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.

93. 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:

94. 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.

95. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- 1) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
 - 2) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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).

96. 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.

97. Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.
- a) A construction noise and vibration minimisation strategy, prepared by a suitably qualified person is to be implemented throughout the works, to the satisfaction of Council and the Principal Certifying Authority (PCA).
 - b) Prior to commencing works, a report prepared by a suitably qualified and experienced consultant detailing noise and vibration from all building and construction works, must be submitted to Council and the Principal Certifying Authority.

The report must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, current DECC Guidelines Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies and compliance with relevant criteria.
- d) Any s and requirements contained in the strategy and report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

- e) Copies of the strategies and acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.
98. 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.
99. 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.
100. 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.

101. 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.

102. 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.

103. 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.

104. 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.

105. 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.

106. 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, to the satisfaction of Council.

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 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.

107. 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.

108. 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.

109. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment &

Climate Change (formerly EPA) and Randwick City Council policies and conditions, including:

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

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

110. 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.

111. Any building/demolition works involving asbestos products are to be carried out in accordance WorkCover New South Wales requirements, guidelines and codes of practice.

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

112. Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 & AS2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for 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:

113. 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.
114. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

115. 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.
116. 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 ensure that adequate provisions are made for the management of waste from the development:

117. Prior to the issuing of a construction certificate for the proposed development, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.

- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
- Cleaning arrangements, hygiene, safety and amenity.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Waste Management Officer on 9399 0520.

Advisory Conditions

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 all of the relevant deemed-to-satisfy provisions of the BCA, in particular, Clause D1.7- Discharge from fire isolated exits.

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.

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

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

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

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

CP12/09 Director City Planning Report - Progress Report: Proposed Joint Venture Affordable Housing Project at 64-66 Minneapolis Crescent, Maroubra (F2004/07993)

RESOLUTION: (Belleli/Nash) that Council:

- (a) endorse the strata titling of the completed units as the preferred land titling arrangement for the joint venture affordable project, and

- (b) grant the General Manager authority to finalise and sign the Deed on Council's behalf under his delegated authority based on the new provisions.

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

CP13/09 Director City Planning Report - LEP Issue Paper for Malabar Headland (F2004/06759)

'70/09 **RESOLUTION: (Andrews/Matson)** that Council receive and note this report.

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

General Manager's Reports

GM7/09 General Manager's Report - Affixing of the Council Seal (F2004/07593)

'71/09 **RESOLUTION: (Nash/Hughes)** that the Council's Seal be affixed to the signing of agreements between Council and:

1. Georgette Vorlow (T/As On the Verge Pty Ltd) in relation to a licence for the purpose of outdoor dining at Shop 3, 665 Anzac Parade, Maroubra.
2. Mark Murray (T/As Sumbar) in relation to a licence for the purpose of outdoor dining at 50 Frenchmans Road, Randwick.
3. Ingrid & Jaroslav Masarik (T/As Cozzi Café) in relation to a licence for the purpose of outdoor dining at 233 Coogee Bay Road, Coogee.
4. Laxmi Neupane (T/As Sushi Inn) in relation to a licence for the purpose of outdoor dining at 152 Belmore Road, Randwick.
5. Maroubra Swimming Club in relation to a licence for use of the Club Room at Des Renford Aquatic Centre, Robey Street, Maroubra.
6. Maroubra Diggers Junior Swimming Club in relation to a licence for use of the Club Room at Des Renford Aquatic Centre, Robey Street, Maroubra.
7. Scott Clemesha (T/As Notismo Deli Café) in relation to a licence for the purpose of outdoor dining at Shop 2, 1220 Anzac Parade, Malabar.
8. Kanphanisa Sasirutkul (T/As Chilli Box Noodle Bar) in relation to a licence for the purpose of outdoor dining at 207A Coogee Bay Road, Coogee.
9. Andrew Damianos (T/As Beach Café Malabar) in relation to a licence for the purpose of outdoor dining at 59 Bay Parade, Malabar.

MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.

GM8/09 General Manager's Report - Review of Randwick City Council's Organisational Structure (F2004/08214)

'72/09 **RESOLUTION: (Nash/Hughes)** that, in accordance with Section 333 of the Local Government Act, Council endorse the current organisational structure.

MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.

GM9/09 General Manager's Report - Update Outcomes – Councillors' November 2008 Workshop (f2008/00632)

'73/09 **RESOLUTION: (Belleli/Andrews)** that:

- (a) the report be received and noted;
- (b) a minor review of the City Plan be undertaken that confirms the existing directions and themes in the City Plan and includes the new actions identified by the Councillors and the community; and

- (c) Randwick Council applies to the Department of Local Government for approval to extend the environmental levy at the existing rate (6%) for another five years from the period 2009/2014.

MOTION: (Stevenson/Bowen): that:

- (a) the report be received and noted; and
- (b) Randwick Council applies to the Department of Local Government for approval to extend the environmental levy at the existing rate (6%) for another five years from the period 2009/2014. **LOST.**

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

GM10/09 General Manager's Report - Council Response to ICAC s Concerning Wollongong Council (F2004/06649)

74/09

RESOLUTION: (Matson/Smith) that:

- (a) Council endorse the measures implemented by the General Manager to address the relevant ICAC recommendations in the Wollongong Report; and
- (b) a Councillor Briefing Session be held to discuss the issue of Independent Hearing Assessment Panels with a report to be brought back to Council.

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

GM11/09 General Manager's Report - Equal Employment Opportunity Policy and Plan 2008 - 2009 (F2004/06949)

Note. A rescission motion was handed in on this matter and will be considered at the ordinary council meeting to be held 28th April, 2009.

75/09

RESOLUTION: (Woodsmith/Bowen) that Council endorse the attached EEO Policy and Plan.

MOTION: (Nash/Smith): that Council endorse the attached EEO Policy and Plan, subject to the deletion of bullet point two under the heading "Performance Measure" on the basis that all decisions should be based solely on merit. **LOST.**

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

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF12/09 Director Governance & Financial Services Report - Investment Report - February 2009 (F2004/06527)

76/09

RESOLUTION: (Nash/Hughes) that the investment report for February 2009 be received and noted.

MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.

GF13/09 Director Governance & Financial Services Report - Flying of Flags Policy - Adoption by Council (F2004/06333)

'77/09 **RESOLUTION: (Nash/Hughes)** that Council formally adopt the "Flying of Flags Policy" attached to this report and endorse the attached procedure for the Flying of Flags.

MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.

GF14/09 Director Governance & Financial Services Report - Draft Economic Development Strategy 2009 (F2005/00588)

'78/09 **RESOLUTION: (Nash/Andrews)** that Council adopt the Randwick Economic Development Strategy.

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

GF15/09 Director Governance & Financial Services Report - Internal Reporting System - Protected Disclosures Act (F2005/00303)

'79/09 **RESOLUTION: (Nash/Hughes)** that the amended 'Internal Reporting System – Protected Disclosures Act' be adopted.

MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.

GF16/09 Director Governance & Financial Services Report - Request to Allocate Commonwealth Stimulus Funding to Vocational Training (F2005/00872)

'80/09 **RESOLUTION: (Bowen/Tracey)** that:

- (a) a further report be prepared for Council on the feasibility of implementing a scheme whereby a portion of any future Commonwealth stimulus funding to Council be made available to pay course fees for selected residents, aged under twenty five years, to undertake vocational training at TAFE; and
- (b) council also consider the feasibility of trialling a scheme for a period of twelve months whereby council provides financial assistance for a maximum of ten residents aged under twenty five years to undertake vocational training at TAFE, with participation in the proposed scheme be determined according to merit and hardship.

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

Petitions

Nil.

Motion Pursuant to Notice

NM12/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Bowen - Anti Social Behaviour - Coogee (F2005/00515)

'81/09 **RESOLUTION: (Nash/Smith)** that:

- (a) Council host a community forum to address the issue of anti social behaviour in Coogee and invite residents, community groups, businesses, NSW Police, the Office of Liquor Gaming and Racing and State and Local Government representatives to attend;

- (b) an appropriate independent person be engaged to moderate this forum and make recommendations at its conclusion.
- (c) Council delegate authority to the Mayor and the two other East Ward councillors to invite participants and for all Councillors to suggest participants to the Mayor.

MOTION: (Bowen/Andrews) that

- (a) Council host a community forum to address the issue of anti social behaviour in Coogee and invite residents, community groups, businesses, NSW Police, the Office of Liquor Gaming and Racing and State and Local Government representatives to attend;
- (b) an appropriate independent person be engaged to moderate this forum and make recommendations at its conclusion.
- (c) the forum to be open for everyone to participate in.

AMENDMENT: (Nash/Smith) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

NM13/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Procopiadis - Support for Aerial Shark Patrol (F2008/00609)

'82/09

RESOLUTION: (Procopiadis/Andrews) that this Council meet with the Mayors and General Managers of Manly, Pittwater, Warringah, Waverley and Sutherland Councils to determine the level of support for an aerial shark patrol, such meeting to be hosted Randwick City Council and to discuss how best the patrol can be funded by the State Government with the assistance of sponsors.

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

NM14/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Assessment of Increasing the Degree of Permeable Landscaping Required in Council's LEP (F2004/08297)

'83/09

RESOLUTION: (Matson/Woodsmith) that Council Officers bring a report before Councillors on the options for clearly stating the amount of permeable landscaping to be required under Council's Local Environment Plan.

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

NM15/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Proposed Re-Incorporating of Excised Land Area Back into the Randwick Environment Park (F2004/08424)

'84/09

RESOLUTION: (Matson/Woodsmith) that Council:

- a) Write to the Minister for Defence seeking the re-incorporation back into the emerging Randwick Environment Park of the excised triangular area of land owned by Defence Housing Land adjacent to the bottom of Argyle Crescent; and
- b) Approach Kingsford-Smith MP the Hon. Peter Garrett in both his capacity as Federal Environment Minister and local member to enlist his support for the idea.

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

NM16/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Reduction of Verge Maintenance Costs Via Low-Impact Plantings (F2006/00658)

85/09

RESOLUTION: (Matson/Woodsmith) that Council officers assess the long-term economical and ESD advantage to the community of implementing a program of replacing Council owned grass verges with local impact plantings of various formats suitable to specific locations and bring a report back.

MOTION: (Matson/Woodsmith) CARRIED - SEE RESOLUTION. Confidential Reports (closed session)

RESOLVED: (Nash/Andrews) that the meeting move into closed session in order to consider confidential items.

Open Session

RESOLVED: (Andrews/Nash) that the meeting move back into open session.

GM12/09 Confidential - Application to the Licensing Court for Premises at 48-58 Maroubra Road, Maroubra to be Known as "1st Choice Liquor Superstore". (F2004/07767)

This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Note: Cr Smith, having declared a pecuniary interest in this matter, left the chamber and took no part in the debate or voting on this item.

86/09

RESOLUTION: (Andrews/Nash) that Council proceed with its objection to the Licensing Court of NSW with respect to the application by Curtis Field for the conditional removal of Off-licence (Retail) Serial No. 354690 from premises situated at 497 Bunnerong Road, Matraville to premises to be situated at 48-58 Maroubra Road, Maroubra to be known as "1st Choice Liquor Superstore".

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

CS6/09 Confidential - Randwick Branch Library Refurbishment - T19/08 (F2008/00565)

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.

87/09

RESOLUTION: (Nash/Smith) that:

- a) The tender offered by Ichor Constructions Pty Ltd at a lump sum price of \$1,842,400.00 to carry out the Refurbishment of the Randwick Branch Library (T19/08) be accepted; and
- b) The General Manager be authorised to sign a contract with Ichor Constructions Pty Ltd to carry out the work.

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

Notice of Rescission Motions**NR1/09 Notice of Rescission Motion - Notice of Rescission Motion by Councillors Procopiadis, Tracey & White - Ordinary Council Meeting**

24 February, 2009 - Director City Services' Report CS1/09 - McNair Avenue, Kingsford - Proposed Footpath (F2006/00575)

88/09

RESOLUTION: (Procopiadis/Andrews) that the resolution passed at the Ordinary Council meeting held on Tuesday, 24 February, 2009 reading as follows:

"That the proposed concrete footpath on the southern side of McNair Avenue, Kingsford as listed in the 2008/09 Capital Works Program not proceed and that the funds that Council saves by not proceeding with these works be reallocated to another initiative in West Ward." BE AND IS HEREBY RESCINDED.

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

89/09

RESOLUTION: (Nash/Procopiadis) that Council proceed with work on the proposed footpath on the southern side of McNair Avenue, Kingsford as listed in the 2008/09 Capital Works Program.

MOTION: (Nash/Procopiadis) CARRIED - SEE RESOLUTION.

Note. A rescission motion was handed in on item GM11/09, General Manager's Report - Equal Employment Opportunity Policy and Plan 2008 - 2009 and will be considered at the ordinary council meeting to be held 28th April, 2009

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 10.35 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 28 April 2009.

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CHAIRPERSON