



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF  
THE CITY OF RANDWICK HELD ON  
TUESDAY, 28 APRIL 2009 AT 6:08PM**

**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, C Matthews & A White
East Ward	- Councillors T Bowen & M Matson
West Ward	- Councillors B Hughes, S Nash (arrived 6.10pm) & 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
Manager Corporate & Financial Planning	Ms C Foley
Manager Organisational Performance	Ms K Walshaw

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

Nil

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 24 MARCH 2009 AND EXTRAORDINARY COUNCIL  
MEETING HELD ON TUESDAY 7 APRIL 2009.**

**RESOLUTION: (Seng/Belleli)** that the Minutes of the;

91/09

- Ordinary Council Meeting held on Tuesday 24 March 2009; and
- Extraordinary Council Meeting held Tuesday 7 April 2009

(copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of those meetings.

### **Declarations of Pecuniary and Non-Pecuniary Interests**

- (a) Cr Tracey declared a non-significant non-pecuniary interest in Item CP15/09 as he knows one of the objectors.
- (b) Cr Tracey declared a non-significant non-pecuniary interest in Item CP18/09 as he knows one of the objectors.
- (c) Cr Tracey declared a significant non-pecuniary interest in Item CP20/09 as he is a member of the Randwick Labor Club which donated money to the ALP 2008 local government election campaign. Cr Tracey indicated that he would not take part in the debate or the vote on the matter.
- (d) Cr Procopiadis declared a significant non-pecuniary interest in Item CP20/09 as he is a member of the Randwick Labor Club which donated money to the ALP 2008 local government election campaign. Cr Procopiadis indicated that he would not take part in the debate or the vote on the matter.
- (e) Cr Bowen declared a non-significant non-pecuniary interest in Item CP15/09 as he knows and deals professionally with one of the objectors.
- (f) Cr Bowen declared a significant non-pecuniary interest in Item CP20/09 as he is an unpaid board member of the Randwick Labor Club which also donated money to the ALP 2008 local government election campaign. Cr Bowen indicated that he would not take part in the debate or the vote on the matter.
- (g) Cr Stevenson declared a non-significant non-pecuniary interest in Item CP18/09 as he knows one of the objectors.
- (h) Cr Stevenson declared a significant non-pecuniary interest in Item CP20/09 as he is a member of the Randwick Labor Club which donated money to the ALP 2008 local government election campaign. Cr Stevenson indicated that he would not take part in the debate or the vote on the matter.
- (i) Cr Andrews declared a non-significant non-pecuniary interest in Item CP20/09 as he is a member of the Randwick Labor Club.
- (j) Cr Matson declared a non-significant non-pecuniary interest in Item MM31/09 as he lives in close proximity to Lexington Place.
- (k) Cr Belleli declared a pecuniary interest in Item MM27/09 as his spouse will be providing talent school services free of charge for the event. Cr Belleli indicated that he would not take part in the debate or the vote on the matter.
- (l) Cr Belleli declared a non-significant non-pecuniary interest in CP16/09 as the owner went to his father's dance school and also knows his brother.
- (m) Cr White declared a non-significant non-pecuniary interest in Item CP18/09 as he knows one of the objectors.
- (n) Cr White declared a significant non-pecuniary interest in Item CP20/09 as he is a member of the Randwick Labor Club which donated money to the ALP 2008 local government election campaign. Cr White indicated that he would not take part in the debate or the vote on the matter.

- (o) Cr Woodsmith declared a non-significant non-pecuniary interest in Item CP18/09 as she knows the neighbour.
- (p) Cr Nash declared a non-significant non-pecuniary interest in Item CP16/09 as he has professional dealings with the applicant's town planner.
- (q) Cr Smith declared a non-significant non-pecuniary interest in Item CP16/09 as the applicant is a former neighbour.
- (r) Cr Smith declared a non-significant non-pecuniary interest in Item GM14/09 as the company he works for makes alcoholic beverages.

### **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:

- CP15/09 78 DUDLEY STREET, COOGEE
- Against** Wayne Smith
- For** William Hodgkinson (representing the Applicant)
- CP16/09 71 BOUNDARY STREET, CLOVELLY
- Against** Anthony Rowan
- CP18/09 309 - 311 BUNNERONG ROAD, MAROUBRA
- For** Michael Grimshaw
- CP19/09 184 FITZGERALD AVENUE, MAROUBRA
- Against** Mr Kerry Nash
- CP21/09 1220 ANZAC PARADE, MALABAR
- Against** Elizabeth Eyre
- For** Scott Clemesha
- CP23/09 DRAFT FINAL HEFFRON PARK PLAN OF MANAGEMENT - PUBLIC EXHIBITION AND SUBMISSIONS REVIEW
- For** Paul Cooper (Bunnerong Gymnastics)
- GM14/09 ALCOHOL RELATED ISSUES AND LICENSED PREMISES - COOGEE
- For** Rona Wade
- CS10/09 PROHIBITION OF DOUBLE STRING KITES ON COUNCIL'S BEACHES
- Against** Michael Jenkins
- NM19/09 MOTION PURSUANT TO NOTICE BY CR ANDREWS - INSTALLATION OF CCTV CAMERAS AT LEXINGTON PLACE
- For** Patrick Holly

NM23/09 MOTION PURSUANT TO NOTICE BY CR ANDREWS - AFFORDABLE HOUSING AT 64-66R MINNEAPOLIS CRESCENT, MAROUBRA

**For** Rozita Leoni

The meeting was adjourned at 7.35pm and was resumed at 7.59pm.

**RESOLVED: (Andrews/Nash)** that all matters which were the subject of addresses by the public be brought forward and considered as the first items of business.

### **Mayoral Minutes**

#### **MM23/09 Mayoral Minute - Waiving of Fees - Brigidine College, Randwick (F2004/06257)**

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92/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) the fees associated with the installation and dismantling of banners and the hire of Council's banner poles for Brigidine College Randwick (on the flagpole at the intersection of Arden Street and Malabar Road, South Coogee and Anzac Parade and Beauchamp Road, Maroubra), be waived and \$3,419.00 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 Open Day.

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

#### **MM24/09 Mayoral Minute - Waiving of Fees - The Castellorizian Ladies' Auxiliary - Hiring of Council's Bus (F2004/08381)**

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93/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council waive the fee of \$290.40 to be funded from the 2008/09 Contingency Fund for the hire of the Council bus on the 11, 12 and 14 December 2009 to support the Castellorizian Ladies Auxiliary's fundraising Christmas Carols event.

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

#### **MM25/09 Mayoral Minute - Waiving of Fees - Surfing NSW Women's Surfriders Association (F2009/08302)**

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94/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) fees in the amount of \$2,295.00 associated with the Maroubra Women's Surfriders Association, be waived and funds be charged to the 2008-09 Contingency Fund;
- b) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or his representative be given the opportunity to address the events on behalf of Council.

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

#### **MM26/09 Mayoral Minute - Westpac Rescue Helicopter Service - Request for Financial Assistance (F2004/06540)**

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95/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council purchase one corporate table valued at \$2,000.00 at the Westpac Rescue Helicopter Service annual fundraising night on Friday 8 May 2009 with funds to come from the 2008-09

Contingency Fund.

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

**MM27/09 Mayoral Minute - Cancer Council Relay for Life - Request for Equipment Hire and for Councillor Support (F2009/00041)**

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96/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council allocate \$1,000.00 from the 2008-09 Contingency Fund towards equipment hire to ensure community safety at the inaugural "Relay for Life" event; and
- b) Randwick Councillors form a team and participate in the relay on Council's behalf.

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

**MM28/09 Mayoral Minute - Randwick Boys and Girls High Schools - Request for Financial Assistance Towards 2009 Rock Eisteddfod (F2005/00311)**

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97/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that Council donate \$3,000.00 to the Randwick Girls and Boys High School Rock Eisteddfod Team for their 2009 production, such funds to come from the 2009-10 Contingency Fund budget.**

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

**MM29/09 Mayoral Minute - Establishment of Light Rail Joint Working Party (F2004/08175)**

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98/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that Randwick, Waverley, Woollahra, Botany Bay and Sydney City Councils establish a joint working party consisting of integrated transport staff from all five councils to facilitate further discussion on proposed and potential light rail routes and capabilities throughout the five council areas.**

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

**MM30/09 Mayoral Minute - Invitation to Attend the Sister Cities Annual Conference 2009 (F2007/00072)**

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99/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the invitation from the Mayor of Tamworth City Council to attend the 2009 ASCA national conference be accepted; and
- b) any interested councillors advise the General Manager as soon as possible for registration purposes.

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

**MM31/09 Mayoral Minute - Lexington Place Committee (F2006/00216)**

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100/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council agrees, as a priority, to establish a Committee comprising of interested Councillors, NSW Police, the Member for Maroubra, representatives from the Department of Community Services and Department of Housing staff. The role of the working group is to:
  - (i) consult with local service providers and residents to develop a joint plan of

- action for reducing anti-social behaviour in the immediate vicinity;
- (ii) to advise Council on the implementation of an at-risk youth program in Lexington Place during the 2009/10 financial year at a cost of \$20,000.00; and
  - (iii) to seek independent technical advice on the two options of implementing CCTV or motion activated recording cameras;
- (b) a report to come back to council on the costing of CCTV after it's determined by consultation with the police and technical service providers;
  - (c) regular reports to come back to Council on the progress of this Committee; and
  - (d) the document entitled "Open Street CCTV in Australia" by the Australian Institute of Criminology be tabled at the first meeting of this Committee.

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

### **Urgent Business**

#### **GM19/09 General Manager's Report - Alison Road, Coogee - Sandstone Retaining Wall (PROJ/10483/2009)**

101/09 **RESOLUTION: (Woodsmith/Smith) that:**

- a) item GM19/09 be considered as a matter of urgency given the dangerous condition of the retaining wall;
- b) funds be borrowed from the infrastructure reserve fund to allow commencement of planning and work on the Alison Road Retaining Wall; and
- c) the borrowings be repaid from funds allocated in the 2009-10 Capital Works Budget.

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

### **Director City Planning Reports**

#### **CP15/09 Director City Planning Report - 78 Dudley Street, Coogee (DA/1052/2007/A)**

102/09 **RESOLUTION: (Matson/Andrews)** that Council as the consent authority, refuse consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/1052/2007 for permission to amend Condition 3 relating to reducing the size of the western balcony; and delete condition 4 relating to the balustrades being of obscured glazing at 78 Dudley Street, Coogee for the following reasons:

1. Bulk and scale of the development;
2. Loss of privacy/privacy issues of neighbouring properties; and
3. View loss of neighbouring properties.

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

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

**FOR**

**AGAINST**

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

**CP16/09 Director City Planning Report - 71 Boundary Street, Clovelly  
(DA/851/2008)**

103/09

**RESOLUTION: (Nash/Woodsmith)** that Council as the consent authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 851/2008 for demolition of the rear dwelling, carport and rear section of the front cottage on the site, construction of a 2-storey rear extension with basement garage, swimming pool and associated site works, and change of use from a dual occupancy to a single dwelling, at No. 71 Boundary Street, Clovelly, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

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

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

Plan Number	Dated	Received	Prepared By
769 DA-03(C)	25.11.2008	25 Nov 2008	Brian Meyerson Architects Pty. Ltd.
769 DA-04(C)	25.11.2008	25 Nov 2008	
769 DA-05(C)	25.11.2008	25 Nov 2008	

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

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the External Finishes Schedule, Job Number 769, Revision C, dated November 2008, prepared by Brian Meyerson Architects Pty. Ltd., and received by Council on 25 November 2008.
3. Metal roof sheeting is to be appropriately pre-painted (e.g. colourbond) so as not to cause unreasonable glare or light reflection that adversely impacts on the surrounding dwellings.
4. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.
5. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.

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

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

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

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

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	-----	0.5%	-----
Development Cost More than \$200,000	\$638,739	1.0%	<b>\$6,387.39</b>

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

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

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

8. 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.
9. 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.

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

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

11. 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 has been fulfilled.

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

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

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

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

13. 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.

14. **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.

15. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (Building Code of Australia).
16. **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*.

17. 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 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).

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. Details of *critical stage inspections* carried out and copies of certification relied upon must also be forwarded to Council with the *occupation certificate*.

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

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable);
  - name, address and telephone number of the *Principal Certifying Authority*; and
  - a statement stating that "unauthorised entry to the work site is prohibited".
19. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor (and a copy of the relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council, in writing, **prior to commencement of works.**

20. 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.*

21. 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.

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

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

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

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

23. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to a construction certificate being issued** for the

development, certifying the structural adequacy of the existing structure to support the additional or altered structural loads.

24. 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, including:

- Occupational Health and Safety Act 2000 & Regulations
- WorkCover NSW Guidelines & Codes of Practice
- 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 DECC/EPA 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

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

The Demolition 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 (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials
- Other relevant details, measures and requirements to be implemented
- Date the demolition works 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 work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council, not less than 2 days before commencing such works.

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

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that

holds a current friable asbestos removal licence.

- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- 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 2005*.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority immediately upon completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

27. 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.

28. 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.
29. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:
- new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
  - as otherwise required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

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

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

31. 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, 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 construction noise and vibration minimisation strategy, prepared by a suitably qualified person is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council **prior to the commencement of site works**.

32. 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.

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

33. A Construction Site Management Plan is to be developed and implemented **prior to the commencement of any 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 details.

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 amenity to the satisfaction of Council. A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

34. 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 Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the Construction Site Management Plan which must be submitted to and approved by the Principal Certifying Authority or Council **prior to the commencement of any site works**.

35. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must

be maintained in a clean condition and free from any obstructions, soil and debris at all times.

- b. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- c. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
- d. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

**The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:**

36. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926.1 - 2007.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

37. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -

- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- c) Water recirculation and filtrations systems are required to comply with AS 1926.3 - 2003: Swimming Pool Safety - Water Recirculation and Filtration Systems; and
- d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents; and
- e) The pool plant and equipment shall not be operated during the following



hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- i. before 8.00am or after 8.00pm on any Sunday or public holiday; or
- i. before 7.00am or after 8.00pm on any other day.

38. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of the *Swimming Pools Act 1992*, **prior to issuing an Occupation Certificate.**

Council's "Notification & Registration of a Swimming Pool" form must be completed and forwarded to Council **prior to any Occupation Certificate being issued for the pool.**

**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:**

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

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

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

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

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

- b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
  - before 8.00am or after 8.00pm on weekends or public holiday; or
  - before 7.00am or after 8.00pm on weekdays.

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

41. 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.
42. The eastern most carspace adjacent to the basement wall shall have a minimum width of 2.80m to allow sufficient room for people exiting and entering the vehicle and improve car manoeuvrability. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.

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

43. 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.
44. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

45. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
46. Stormwater runoff from the site shall be discharged either:
  - a) To the kerb and gutter in Boundary Street along the site frontage by gravity (without the use of a charged system); OR
  - b) Through private drainage easements to Council's kerb and gutter (or underground drainage system); OR
  - c) To a suitably sized infiltration area. As a guide, infiltration areas shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area on the site. Infiltration systems shall be located a minimum 2.1 metres from any side or rear boundary and 3 metres from adjoining structures.

Prior to the use of infiltration in areas in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system, **a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.**

NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater

discharge in accordance with option b); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

47. Prior to the issuing of a Construction Certificate the applicant must undertake suitable geotechnical investigation to determine if excavation for the basement carpark is likely to encounter groundwater/seepage flows. The geotechnical report must be submitted to the Certifying Authority and, should it be determined that 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:-**

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.

Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site). Seepage water must **not** be drained from the site.

48. Prior to the issue of a construction certificate & subject to the site being suitable for infiltration the absorption tank shall be structurally certified by a suitably qualified engineer to demonstrate that it will not affect the structural integrity of the pool.
49. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
50. 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 required 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 Randwick City Council's Stormwater Code.
51. All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

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

52. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
53. Landscaping at the site shall be installed substantially in accordance with the

Landscape Design by Ryan McBride, drawing number LC01, revision B, dated 13.10.08, subject to the following additional requirements being shown on an amended plan, to the satisfaction of the PCA, prior to the issue of a construction certificate:

- a) The exact quantity and location of all proposed planting must be nominated from the indicative planting schedule;
  - b) A 1m wide deep soil garden bed must be maintained in the southwest corner of the site, for a distance of 1.5 metres along both the western and southern boundaries, in order to avoid damage to both the root system and canopy of the *Eucalyptus robusta* (Swamp Mahogany) growing in the adjoining property, 2 Andrew Street, from excavation or the placement of structures close to, or on, the common boundary;
  - c) 1 x 75 litre (pot/bag size at the time of planting) tree must be planted within the rear portion of the site, selecting a native species off the indicative plant schedule which will attain a minimum height at maturity of between 4-7 metres.
54. 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.

### **Tree Management**

55. The applicant shall submit a total payment of \$107.25 (including GST), being the cost for Council to supply and install 1 x 25 litre street tree, *Banksia integrifolia* (Coastal Banksia), on Council's Boundary Street nature strip, to the west of the existing/proposed crossing upon completion of all works.

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

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

### **Tree Management**

56. Approval is granted for the removal of all existing vegetation within the site in order to accommodate the proposed works as shown, as all were observed to be insignificant, and either too small or exempt from the provisions of Council's Tree Preservation Order (TPO), but is subject to full implementation of the approved landscape plan.

#### *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 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
  - Council or an Accredited Certifier has been appointed as the Principal

Certifying Authority for the development

- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

Failure to comply with these important requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the *Environmental Planning & Assessment Act 1979*. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence.

A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

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

A3 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.

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

Note: the reasons for overturning the staff recommendation are that there will be no heritage impact on the existing cottage, it complies in all other material respects with our planning controls including height, solar access and overshadowing.

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
<b>Total (14)</b>	<b>Total (1)</b>

**CP17/09 Director City Planning Report - 33 Boyce Road, Maroubra (DA/819/2008)**

104/09

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

- A. That Council support the objection under State Environmental Planning Policy No.1 (SEEP 1) with respect to non-compliance with Clause 30(1) of the Randwick Local Environmental Plan 1998, relating to minimum allotment sizes, on the grounds that the proposed development is consistent with the objective

of the clause and will not adversely affect the amenity of the surrounding 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/819/2008 for the demolition of the existing dwelling and construction of a new two storey dwelling, garage, fencing and associated works at 33 Boyce Road, Maroubra subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered DA01-DA08 inclusive, dated 23/01/09 and received by Council on the 10th February 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 consistent with the colour scheme submitted with the application on the 12th November 2008.
3. There must be no encroachment of the structures or associated articles onto Council's road reserve, footway, nature strip or public place.
4. Details are to be provided in the Construction Certificate to demonstrate that the proposed works will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.
5. 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.
6. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
7. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
8. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
9. To maintain a reasonable level of privacy from the rear upper level balcony, privacy screens 1800mm in height above the floor level of the balcony are to be extended across the eastern and western sides of the balcony. The privacy screens are to be of either fixed louvres, fixed timber slats or obscured glazing, and details are to be provided with the Construction Certificate.

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

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

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

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

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

Category Cost Applicable Levy	S94A Levy	Development Cost
More than \$200,000 - \$360,000	1.0%	\$3,600.00

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

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

12. 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.
13. 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.

14. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
- Stormwater management (i.e. rainwater tanks)
  - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
  - Landscaping provisions
  - Thermal comfort (i.e. construction materials, glazing and insulation)
  - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
15. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

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

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

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

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

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

18. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.
19. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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.

20. 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.

21. 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.

22. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)
  - name, address and telephone number of the Principal Certifying Authority,
  - a statement stating that "unauthorised entry to the work site is prohibited".
23. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

An Occupation Certificate must not be issued for the development if the

development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

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

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

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

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

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

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

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

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

26. 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.

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

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

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

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

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

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

28. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:
- The requirements and Guidelines of Work Cover NSW
  - Occupational Health and Safety Act 2000
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997
  - Protection of the Environment Operations (Waste) Regulation 1996.
29. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

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

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

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

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

30. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a. Relevant Occupational Health & Safety legislation and WorkCover NSW

requirements

- b. Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- c. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.

- d. On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- e. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- f. A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

31. 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.

32. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
  - new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise required by the Principal Certifying Authority.

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

33. 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).
34. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.

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

35. 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.

36. A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:
  - a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.
  - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
37. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
38. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

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

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

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

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

39. A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
  - location and construction of protective fencing / hoardings to the perimeter of the site;
  - location of site storage areas/sheds/equipment;
  - location of building materials for construction;

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

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

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

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

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

41. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - b. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
  - c. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
  - d. A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site

workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.

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

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

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

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min 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) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

43. 43. The air conditioning unit must be located:
  - a minimum of 900mm from property boundaries;
  - at ground level;
  - at the side or rear of the building; and
  - away from windows of any existing or proposed habitable rooms on neighbouring properties.

The unit shall also be adequately screen if visible from a public place.

The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

44. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
  - before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
  - before 7.00am or after 10.00pm on any other day.

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

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

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min 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) in accordance with relevant NSW Department of Environment & Conservation



Noise Control Guidelines.

- b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
  - before 8.00am or after 8.00pm on weekends or public holiday; or
  - before 7.00am or after 8.00pm on weekdays.

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

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

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

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

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

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

- 48. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:
  - a) \$1000.00 - Damage / Civil Works Security Deposit

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

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

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

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

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

49. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:

a) Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.

Note: The Council driveway is to be constructed a minimum offset of 1.80m east of the western edge of the Council's Street Tree's trunk.

b) Remove any damaged concrete vehicular crossing and layback and to reinstate the area to Council's specification.

50. Prior to the issuing of a Construction Certificate for the proposed new dwelling the plans for the Construction Certificate are to be amended to show the eastern edge of the driveway opening at the site's front boundary not exceeding a distance of 4.15m from the western side boundary.

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

52. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

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

54. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

55. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$483.00 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:**

56. 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.
57. 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.
58. 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.

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

59. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m<sup>2</sup> base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

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

Notes:

- a. The sediment/silt arrester pit shall be constructed:-
  - i. within the site at or near the street boundary.
  - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
  - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material with a high filtration rating located around the weep holes.
  - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
  - v. with a galvanised heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- b. The infiltration/rubble pit shall:-
  - i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
  - ii. be located a minimum of 3.0 metres from the dwelling or other

structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.

- iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.

**Note:** other equivalent methods of infiltration may be adopted.

- iv. have a minimum base area of 5.0 square metres (m<sup>2</sup>).

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

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

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

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

- 60. Any stormwater runoff which cannot be directed to the kerb and gutter at the front of the property (via the infiltration area as detailed above) shall be discharged either:

- a) Through private drainage easements to Council's kerb and gutter (or underground drainage system); OR
- b) To a separate suitably sized infiltration area. As a guide, infiltration areas which do not have an overflow to the street shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area draining to the infiltration area.

Prior to the use of infiltration in areas where there is no formal overland escape route to Council's kerb and gutter/street drainage system, a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

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

- 61. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon both the streetscape and neighbouring properties. A landscape plan prepared by a qualified professional in the Landscape/Horticulture industry shall be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate, and must include the following requirements:

- a) A planting plan and planting schedule which details all proposed species, their location, quantity, and pot size at the time of planting throughout the whole of the site;
- b) A predominance of species that require minimal watering once established

or species with water needs that match rainfall and drainage conditions;

62. 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.
63. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

### **Street Tree Management**

64. The applicant will be responsible for covering all costs for Council or Council's authorised contractors to prune back to the main trunk, the one major, lower growing structural limb leading to the west from the large street tree within Council's Boyce Road nature strip, *Melaleuca quinquinervia* (Broad Leafed Paperbark), as part of this application, in order to both avoid damage to this public tree during the course of works, as well as to improve the line of sight of approaching pedestrians and vehicles when exiting the property (with a similar example of such pruning found in front of 37 Boyce Road).
65. The applicant must contact Council's Landscape Development Officer on 9399-0613 at least 4 weeks prior to the commencement of any site works (including demolition) to arrange for the approved pruning works to be performed.
66. Once completed, the applicant will be advised of the cost of this pruning work, with the specified amount to be received by Council into Tree Amenity Income account no 4001.768401 at the Cashier on the Ground Floor of the Administrative Centre, prior to the issue of a final occupation certificate being issued for the development.
67. Approval is also granted for the removal of all existing vegetation from within the site due to a combination of their insignificance, as well as to accommodate the proposed works as shown, subject to full implementation of the approved landscape plan.

### **Tree Protection Measures**

68. In order to ensure retention of the *Melaleuca quinquinervia* (Broad Leafed Paperbark), located within Council's Boyce Road nature strip, to the east of the existing/proposed vehicle crossing 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 its retention, with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
  - b. All construction certificate plans must show that a minimum setback of 1800mm will be maintained between any excavations associated with the eastern edge of the proposed vehicle crossing, and the outside edge of its trunk (measured at ground level), with any services, stormwater pipes or similar that need to be installed over public property to be located along the eastern site boundary only, so as to minimise the amount of root damage/disturbance to this street tree.
  - c. Prior to commencing any external works, the applicant will be required to hand dig, to a minimum depth of 250mm, along the eastern edge of the proposed crossing, between the back of the kerb and northern edge of the

- existing pedestrian footpath, being careful to preserve any roots encountered.
- d. Following this, and prior to the installation of any formwork, steel etc, Council's Landscape Development Officer shall then be contacted on 9399-0613 to arrange an inspection of the trench, with any roots encountered to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
  - e. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located along the back of the kerb to its north, 2 metres to its east (measured off the outside edge of its trunk at ground level), along the edge of the footpath to its south, and 1.5 metres to its west, in order to completely enclose this tree for the duration of the works.
  - f. 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".
  - g. The applicant is not authorised to perform any physical works to this street tree, and shall contact Council's Landscape Development Officer on 9399-0613 should further pruning or any similar such work be 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.
  - h. Within the zone specified in point 'e' 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.
  - i. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of \$1,500.00 (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 this street tree.

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

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

#### **ADVISORY MATTERS:**

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

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to

a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

- A2. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- a. Install or erect any site fencing, hoardings or site structures
  - b. Operate a crane or hoist goods or materials over a footpath or road
  - c. Placement of a waste skip or any other container or article.
- A3. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

**CP18/09 Director City Planning Report - 309 - 311 Bunnerong Road,  
Maroubra (DA/827/2008)**

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105/09

**RESOLUTION: (Nash/Belleli):**

- 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 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 clauses, 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. 827/2008 for demolition of the existing building and erection of and construction of a 4 storey mixed use development comprising 2 shops, 10 residential units and basement carparking for 13 vehicles at No. 309-311 Bunnerong Road, Maroubra, subject to the attached conditions of consent:
1. The development must be implemented substantially in accordance with the plans numbered, DA01 to DA08 all Revision E, DA09 Revision D and DA10 Revision C, all dated March 2009, and stamped received by Council on 31 March 2009, 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 Edifice Architects and Planners and submitted to Council with the development application on 17 November 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:
  - Relocation of the planter boxes from the eastern edge of the common roof garden to the eastern edge of the proposed deck of the common roof garden on Level 3 such that the common roof garden is reduced in area to mitigate

overlooking and noise impacts on adjoining residential properties. A suitable barrier shall be installed between the reduced common roof garden area and the remaining roof area.

- Provision of ceiling and/or wall mounted fans in bedrooms.

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. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
7. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

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

8. 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.
9. 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.
10. 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.
11. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

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



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

12. Power supply and telecommunications cabling to the development shall be underground.
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. 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.

16. 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.
17. 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.
18. 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.

**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 More than \$200,000	\$4,458,507	1.0%	\$44,585.07

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

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

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

**The following conditions are applied to 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 13 February 2009.

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

21. The applicant is to engage a NSW Department of Environment and Conservation (DEC) (formerly EPA) Accredited Site Auditor. The Site Auditor is to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, prior to a construction certificate being issued for anything other than works required to retain excavated land such as contiguous piers [or prior to the release of the subdivision certificate], which ever comes first, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.

Any additional conditions that are specified in the Site Audit Statement and Summary Site Audit Report by the EPA accredited site auditor, form part of this consent and Council must be consulted with prior to the development and imposition of any conditions.

22. Any site remediation must be carried out in accordance with the following general requirements (as applicable):
- a) Remediation works shall be carried out in accordance with the requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made or approved by the NSW Department of Environment and Conservation (formerly EPA) and the NSW Department of Infrastructure Planning & Natural Resources (formerly Planning NSW), Randwick City Council's Contaminated Land Policy 1999 and the Protection of the Environment Operations Act 1997.
  - a) A Site Audit Statement and Summary Site Audit Report is to be submitted to Council, **prior to a construction certificate being issued for anything other than for works required to retain excavated land such as contiguous piers [or release of the subdivision certificate] which ever comes first**, which confirms that the land has been remediated and the site is suitable for the intended development and use and satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999.
  - b) The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.
  - c) The remediation of the site including ground water must fully comply with all relevant Commonwealth and State Legislation, Regulations and Standards.
  - d) Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to

be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and

- e) Should any underground tanks be discovered they shall be removed in accordance with relevant NSW DEC/EPA Guidelines; Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (CP4-1998); and WorkCover NSW requirements. In the event of conflict between AIP Code of Practice and WorkCover requirements the latter shall prevail.
- f) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.

On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Environmental Health & Building Services.

- g) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.
- h) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
  - general site management, site security, barriers, traffic management and signage
  - hazard identification and control
  - worker health & safety, work zones and decontamination procedures
  - cross contamination
  - site drainage and dewatering
  - air and water quality monitoring
  - disposal of hazardous wastes
  - contingency plans and incident reporting
  - details of provisions for monitoring implementation of remediation works and persons/consultants responsible
- i) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- j) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
- k) Remediation work shall be conducted within the following hours:

Monday – Friday 7am – 5pm  
Saturday 8am – 5pm  
No work permitted on Sundays or Public Holidays

- l) A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- m) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
23. Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
  - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
  - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
  - *Protection Of the Environment Operations Act 1997 (NSW) and*
  - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*
24. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

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

25. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.
- In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ),  $15 \text{ min}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq, 15 \text{ min}}$  and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).
26. 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.
27. 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 Environmental Health & Building Services.

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

28. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
29. Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.
30. The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council prior to the commencement of works.

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

31. 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.

32. 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.
33. 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.

34. 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.

35. 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.

36. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
37. 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.

38. **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.

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

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

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

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

40. 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.*

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

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

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

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

42. 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:**

43. 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.

44. 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.

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

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

46. 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. commercial/industrial building, garages, carports, fences, retaining walls and driveways etc.*) located upon 307 Bunnerong Road, Maroubra.

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**.

47. 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.**

48. 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:**

49. 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.

50. 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).*

51. 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.

52. A report prepared by a suitably qualified and experienced consultant shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council upon commencement of works (or as may otherwise be specified by the PCA or Council), certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

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

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. 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

55. 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.

56. 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) 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.
- 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) 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.
- f) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities 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.

57. 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.

58. 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.

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

Details of the proposed sediment control measures are to be detailed in the *Site Management Plan* and must be submitted to and approved by the principal

certifying authority **prior to the commencement of any site works.** The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

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

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

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

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

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

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

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part

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

61. 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.

62. 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.

63. 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.

64. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a) Randwick City Council's Asbestos Policy (adopted 13 September 2005).  
*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
  - d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
  - e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

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

65. 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:**

66. 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*.

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

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

68. 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.

69. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided for employees in accordance with Part F2.1 of the BCA to the satisfaction of the Certifying Authority and details are to be provided in the **Construction Certificate** Application.

70. 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:**

71. **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.*

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

72. 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.

73. 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.

74. 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)

75. 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 provide adequate security against damage to Council's infrastructure:**

76. 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) \$4000.00 - 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:**

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

- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Wild Lane.
- b) Remove the redundant vehicular crossings and layback along the Wild Lane site frontage and construct new kerb and gutter as required. It is noted that this may necessitate 600mm road reconstruction along the site frontage and re-turfing of the verge.
- c) Remove the existing concrete footpath in Bunnerong Road and construct a new full width concrete footpath along the Bunnerong Road site frontage to Council's specification.
- d) Reconstruct a footpath along the full Wild Lane site frontage to Council's specification.

78. 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.

79. The applicant shall meet the full cost for the design and construction of traffic controlling/speed slowing devices in Wild Lane to improve safety for vehicles

- entering and exiting the site. The required traffic calming measures shall be determined by the Randwick Traffic Committee and may include (but not necessarily be limited to) road narrowing, warning signage, sighting mirrors and/or raised threshold/s.
80. The traffic controlling/speed slowing devices shall be installed prior to the issuing of an occupation certificate. The applicant must liaise with Council's Development Engineer Coordinator regarding this matter.
  81. 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.
  82. To improve pedestrian and vehicular vision at the site entrance/exit point, all new walls/structures/planting adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level (for at least the first 1.5 metres) or splayed a minimum 1.5 metre by 1.5 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
  83. Clear 'stop' signage and line marking shall be provided along the site boundary at the exit point from the site. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
  84. The vehicular access and 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 inside/critical edge of any curved sections of the proposed internal ramps and to the circulation paths for carspaces 1 and 4.
  85. To prevent vehicular conflict on the internal circulation ramp linking the ground floor with the basement carpark a signalling system shall be provided. The signalling system must also be suitably designed to alert the drivers of vehicles entering the site if the proposed holding bay is to be used. The signalling system shall be designed by a suitably qualified traffic consultant. The plans submitted for the construction certificate shall demonstrate compliance with this requirement and the signalling system must be approved by the Certifying Authority prior to issuing a Construction Certificate.
  86. A work zone is to be provided in Bunnerong Road for the duration of the construction works. The 'work 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 work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.
  87. 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.

88. The minimum clear distance from the existing footpath in Bunnerong Road to the underside of any proposed awning shall be 3.0 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
89. The minimum clear distance from the existing footpath in Bunnerong Road to the underside of any proposed under awning sign shall be 2.6 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
90. 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. Upon completion of the construction of any 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:**

91. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Wild Lane property boundary for the driveway shall be 120 mm above the invert of the existing gutter at all points opposite the gutter along the full width of the driveway. The alignment level in Wild Lane for access ramps and pathways or the like, must be 150mm above the invert of the existing gutter at all points opposite the gutter.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0924.

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

92. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Anzac Parade property boundary for access ramps and pathways or the like, shall match the back of the existing footpath along the full site frontage.
93. 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.
94. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$689 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Anzac Parade. This amount is to be paid prior to a construction certificate being issued for the development.
95. The top of footings of any structures constructed on the Wild Lane boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.

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

96. 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.

97. 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.
98. 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.
99. 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.

100. 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.
101. 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.
102. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

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

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

### **Drainage Conditions**

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

### Protection from flooding

103. The floor level of all habitable and storage areas shall be at a minimum RL of 22.30 metres (AHD) or suitably waterproofed up to this same level.
104. The proposed internal driveway must be designed with a high point at least 200 mm above determined 1 in 100 year flood level, (i.e. at least RL 22.20 metres AHD), and in such a manner as to minimize the potential for stormwater to enter the basement carpark. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
105. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the determined 1 in 100 year flood level, (i.e. at least RL 22.30 metres AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
106. All components of the disabled access platform constructed below RL 23.30 (AHD) shall be fully water proofed. Any components that may be adversely affected by stormwater inundation shall be located above RL 23.30 (AHD). Full details and specifications of the low rise lift showing compliance with the above requirement shall be submitted to the certifying authority prior to the issuing of a construction certificate.
107. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

### Internal Drainage

108. **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.
109. 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.
110. All site stormwater must be discharged (by gravity) to the underground drainage system in Bunnerong Road 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.
111. Onsite stormwater 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.

112. The detention area must be regularly cleaned and maintained to ensure it

functions as required by the design.

113. Any onsite detention system shall be located in areas accessible by residents of all units.
114. 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

115. Any above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
116. 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).

117. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
118. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
119. A reflux valve shall be provided (within the site) over any pipelines discharging from the site into Council's underground drainage system to ensure that stormwater from Council's drainage system does not surcharge back into the site stormwater system.
120. 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.

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



- e) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- f) 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.**

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Development Engineer.
  - b. The 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.
123. 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)

- c) Finished site contours at 0.2 metre intervals;
  - d) Volume of storage available in the detention areas;
  - e) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - f) The orifice size(s) (if applicable);
  - g) Details of any infiltration/absorption systems; and
  - h) Details of any pumping systems installed (including wet well volumes).
124. 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.
125. As the above site may encounter groundwater within the depth of the basement excavation and / or be present within a fluctuating water table, 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). Ground water is not to be collected and discharged from the development site.
126. If any temporary dewatering of the site is required to facilitate construction of any part of the basement car park and/or detention tank a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.
127. 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.

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

128. The residential garbage room areas will have to be designed so as to be able to contain a total of 10 x 240 litre bins (10 garbage bins & 10 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.
129. 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.
130. The waste storage areas shall be clearly signposted.

131. An additional garbage area will have to be constructed for the proposed 2 shops. The applicant is to liaise with Council's Waste and Environment Officer 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.
132. 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 Waste and Environment Officer, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

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

133. The landscaped areas shown on the Landscape Plan drawing number 08.722 Issue C dated 10.08 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

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

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

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.
- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
  - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
  - g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.
  - h. Location of easements within the site and upon adjacent sites (if any).
134. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.

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

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

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

136. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
137. 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 on top of these services as stipulated by these conditions of development consent.

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

#### **ADVISORY MATTERS:**

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

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

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

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

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

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

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
<b>Total (14)</b>	<b>Total (1)</b>

**CP19/09 Director City Planning Report - 184 Fitzgerald Avenue, Maroubra (BA/34/1995/A)**

106/09

**RESOLUTION: (Smith/Woodsmith)** that Council as the consent authority refuse consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No BA/34/1995/A to allow for use of garage as rumpus room for the following reason:

- The proposed modification is a material change of use. The use of part of the garage as a habitable rumpus room is wholly different to the approved use as a garage. The proposed modification falls outside the scope of Section 96 because it is not substantially the same development as was originally approved.

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

**AMENDMENT: (Andrews/Nil)** that this matter be deferred for further investigation with a report to come back to Council with more detailed information. **LAPSED FOR WANT OF A SECONDER.**

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**CP20/09 Director City Planning Report - 135-139 Alison Road, Randwick  
(DA/128/2006/C)**

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Having declared an interest in this item earlier in the meeting, Crs Bowen, Procopiadis, Stevenson, Tracey and White left the Council Chamber during the debate and the vote on the matter.

107/09

**RESOLUTION: (Matthews/Nash):**

- A. That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/128/2006/C for permission to undertake a Section 96 modification Section 96(2) modification of the approved development by the extension of the existing outdoor smoking area on level 2 to accommodate 16 poker machines at 135-139 Alison Road, Randwick in the following manner:

**Amend Condition No. 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered DA.02 to DA.10 inclusive, received on the 1<sup>st</sup> March 2006, the application form and on any supporting information received with the application, as amended by Section 96 applications DA/128/2006/A and DA/128/2006/B and the **Section 96 plans dated Aug 2008 and received by Council on the 12 September 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:

**And add the following Conditions No. 73 through to No. 80 to read:**

**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:**

73. 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.
74. The second floor outdoor gaming area is restricted to the following patron numbers :
  - 34 patrons prior to midnight;
  - 17 Patrons after midnight.
75. The second floor northern outdoor balcony directly to north of the outdoor gaming area is restricted to the following patron numbers:
  - 15 Patrons prior to midnight;
  - 7 Patrons after midnight.
76. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council one month and six months after an **occupation certificate** is 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, Acoustic report titled Environmental Noise Impact proposed Alfresco Gaming Area Randwick Labour Club, NSW" and conditions of Council's approval, to the satisfaction of Council's Manager Environmental

## Health &amp; Building Services.

77. An amended plan of management shall be submitted to Council prior to an occupation certificate being issued incorporating all recommended noise management measures detailed in the Acoustic report titled "Environmental Noise Impact Proposed Alfresco Gaming Area Randwick Labour Club, NSW" dated 13 November 2008 including but not limited to permitted patron numbers in gaming area and balcony.
78. That the following recommendations detailed in section 6 of report prepared by Day Design Titled " Environmental Noise Impact Proposed Alfresco Gaming Area Randwick Labour Club, NSW" dated 13 November 2008 shall be fully complied with:
- The outdoor gaming doors shall be fitted with automatic closing devices and only opened when patrons are entering or leaving the area;
  - The entire ceiling above the gaming machines shall be sound absorptive with a noise reduction coefficient (NRC) of 0.7 or greater;  
The sound absorptive ceiling may consist of slotted timber or fibre cement panels(open area 15 per cent ) with 50mm thick polyester insulation (density 32 kg /m<sup>3</sup> such as Martini MAB 32/50 or Tontine Acoustisorb 2. Other ceiling constructions will be required to have noise reduction coefficient(NRC) of 0.7or greater;
  - The entire ceiling above the gaming machines should be sound absorptive with noise reduction coefficient(NRC) of 0.7 or greater;
  - All machines shall be provided with thermal printers for the printing of tickets, in lieu of the dot matrix printers;
  - All machines should have their volume set to a low level such as 1 or 2(quiet) and shall be inaudible in any residential premises;
  - Signage shall be used to ensure patrons are encouraged not to make unreasonable level of noise while in the gaming area at night, especially after midnight. The automated voice which instructs patrons to lower their voice in the outdoor area shall be removed;
  - No music shall be played in the outdoor gaming area;
  - Attended noise measurements shall be carried out by a suitably qualified person provided for by the Labour Club should there be a noise complaint and appropriate measures be taken to reduce the noise to comply with criteria;
  - The club shall nominate a representative to receive and handle noise complaints.

Details of compliance with the acoustic recommendations shall be submitted to Council prior to an Occupation certificate being issued.

**The following conditions have been applied to ensure that proposal meets minimum Crime Prevention Through Environmental Design standards:**

79. A Closed Circuit Television System (CCTV) which complies with **Australian Standard – Closed Circuit Television System (CCTV) AS:4806** <http://www.standards.org.au> shall be installed within the proposed outdoor gaming area to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour.
- The system is to conform with Federal, State or Territory Privacy and Surveillance Legislation.
  - Staff are to be trained in the operation of the system.
  - This system should consist of surveillance cameras strategically located within the outdoor gaming area to provide maximum surveillance coverage of the area, particularly areas that are difficult to supervise by staff and assist in the identification of people involved in anti-social or criminal behaviour.

- A minimum of two cameras should be strategically mounted within the outdoor gaming area to monitor activity around these areas, by facing these cameras at one another, they protect themselves.
  - Digital or analogue technology may be used to receive, store and process data. This equipment should be secured away from public access areas to restrict tampering with the equipment and data.
  - Should videotapes be used they are to be replaced quarterly to maintain quality images.
80. Lighting which has been designed to the Australian Standard AS:1158 should be installed in and around the proposed outdoor gaming area. The lighting sources should be compatible with requirements of any closed circuit television system installed.

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

A **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 Matson	Councillor Woodsmith
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Seng	
<b>Total (7)</b>	<b>Total (3)</b>

**CP21/09 Director City Planning Report - 1220 Anzac Parade, Malabar (DA/91/2008/A)**

108/09

**RESOLUTION: (Andrews/Woodsmith)** that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/91/2008 for permission to extend the trading hours of the existing Shop/Cafe at 1220 Anzac Parade, Malabar in the following manner:

**Amend condition 8 to read:**

8. The hours of the operation of the business are restricted to:
- Monday through to Sunday, from: 6:00am to 9:00pm for a 12 month trial period.

**Amend condition 9 to read:**

9. The hours of operation of the outdoor trading area are restricted to:
- Monday through to Sunday, from: 7:00am to 9:00pm for a 12 month trial period.

**Amend condition 28 to read:**

28. All deliveries associated with the premises shall be carried out during the approved operating hours. Deliveries to the rear of the site shall be carried out wholly within the subject site and delivery vehicles must not park on or over the crossover/layback or obstruct any residential driveways along Victoria Lane.



**Add the following condition:**

74. Prior to operating the outdoor dining area in accordance with the extended hours of operation, the applicant shall enter into an amended license agreement with Council that reflects the new hours. The applicant is advised to contact Councils Property Officer on 9399 0936 regarding this matter.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Matson
Councillor Hughes	Councillor Nash
Councillor Matthews	Councillor Seng
Councillor Notley-Smith	Councillor Stevenson
Councillor Procopiadis	
Councillor Smith	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
<b>Total (10)</b>	<b>Total (5)</b>

**AMENDMENT: (Nash/Seng):** that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/91/2008 for permission to extend the trading hours of the existing Shop/Cafe at 1220 Anzac Parade, Malabar in the following manner:

**Amend condition 8 to read:**

8. The hours of the operation of the business are restricted to:
- Monday through to Sunday, from: 7:00am to 9:00pm

**Amend condition 9 to read:**

9. The hours of operation of the outdoor trading area are restricted to:
- Monday through to Sunday, from: 7:00am to 9:00pm.

**Amend condition 28 to read:**

28. All deliveries associated with the premises shall be carried out during the approved operating hours. Deliveries to the rear of the site shall be carried out wholly within the subject site and delivery vehicles must not park on or over the crossover/layback or obstruct any residential driveways along Victoria Lane.

**Add the following condition:**

74. Prior to operating the outdoor dining area in accordance with the extended hours of operation, the applicant shall enter into an amended license agreement with Council that reflects the new hours. The applicant is advised to contact Councils Property Officer on 9399 0936 regarding this matter. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Nash	Councillor Hughes
Councillor Seng	Councillor Matthews
Councillor Stevenson	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Smith
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
<b>Total (5)</b>	<b>Total (10)</b>

### **CP22/09 Director City Planning Report - A Framework for Assessing Applications for use of Contingency Funds (F2006/00452)**

109/09 **RESOLUTION: (Nash/Hughes)** that:

- a) Council establish a formal grant framework for administering the Contingency Funds, to be entitled *Cultural Community Grants*;
- b) Council endorse Option 2 – no annual funding limit per applicant;
- c) All recipients of the 2007-08 and 2008-09 Contingency Funds will be notified in writing about the new framework and guidelines scheduled to commence in the 2009-10 financial year; and
- d) Relevant sections of the existing guidelines for Council's *Community Partnerships Funding Program* will be amended to take into account the new Cultural Community Grants framework.

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

### **CP23/09 Director City Planning Report - Draft Final Heffron Park Plan of Management - Public Exhibition and Submissions Review (F2004/08399)**

110/09 **RESOLUTION: (Andrews/Belleli)** that:

- a) Council approve the Heffron Park Plan of Management 2009;
- b) Council forward the Heffron Park Plan of Management to the Department of Lands for adoption; and
- c) Council agree that the Director, City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required in finalising and printing the Heffron Park Plan of Management.

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

### **General Manager's Reports**

#### **GM13/09 General Manager's Report - Draft Randwick City Council Management Plan 2009-13 (F2009/00051)**

111/09 **RESOLUTION: (Nash/Andrews)** that:

- a) the Draft Management Plan, and attachments as outlined below, be placed on public exhibition for not less than 28 days, from 5 May 2009 to 2 June 2009,

inviting submissions from the public;

- b) at the conclusion of the period of public exhibition a meeting of Council is held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters, as it considers relevant, Council adopt the Management Plan; and
- c) in accordance with the NSW Department of Local Government Code of Accounting Practice and Financial Reporting (June 2008) Note 2(b), in respect to each broad function of council, expenses that can be reliably attributed have been allocated to that function.

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

**GM14/09 General Manager's Report - Alcohol Related Issues and Licensed Premises - Coogee (F2004/07501)**

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112/09 **RESOLUTION: (Andrews/Nash) that:-**

- (a) the report be received and noted; and
- (b) Council continue to proactively work with all stakeholders to seek further solutions to curb anti-social behaviour in this identified alcohol related crime hotspot.

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

**GM15/09 General Manager's Report - Affixing of the Council Seal (F2004/07593)**

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113/09 **RESOLUTION: (Belleli/Andrews) that the Council's Seal be affixed to the signing of agreements between Council and:**

1. Sophon Kotambi (T/As Chao Praya) in relation to a licence for the purpose of outdoor dining at 33 Perouse Rd, Randwick.
2. Emma Malone (T/As Molly's Fresh Food & Stuff) in relation to a licence for the purpose of outdoor dining at Shop 2, 25-29 McKeon Street, Maroubra.

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

**GM16/09 General Manager's Report - Policy - Councillor Information Sessions with External Parties (F2005/00495)**

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114/09 **RESOLUTION: (Woodsmith/Matson) that:**

- a) the Council holds information sessions on proposed major developments and complex issues of significance to the City;
- b) these information sessions are held within the framework provided by the "Councillor information session with external parties – Policy and Protocols;"
- c) the following extra points be added to the Policy Statement:-
  13. The General Manager or delegated officer publish notice on the Council website and in the Southern Courier newspaper, notification of any request by an external party under point 2 that is to be granted.
  14. The General Manager or delegated officer will read out aloud points 4 and 5 of this policy at the commencement of each information session.

15. Interested observers will be invited to attend upon registering with the General Manager.

d) the name of the policy be amended to be known as "Councillor Information Sessions with External Parties that are Facilitated by Council."

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

**GM17/09 General Manager's Report - Cancellation of July Ordinary Council Meeting to Facilitate 150 Year Anniversary Presentations (F2008/00398)**

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115/09 **RESOLUTION: (Tracey/Bowen) that:**

- a) the July ordinary Council meeting be cancelled in order to facilitate the mayoral visit planned for July 2009; and
- b) the Mayor and his partner be authorised to represent Council on this visit to mark Council's 150 year anniversary with accommodation and sustenance expenses being funded from the 2009-10 budget in accordance with the Councillors Expenses and Facilities Policy.

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

**Director City Services Reports**

**CS7/09 Director City Services Report - Water Filter Program (F2004/06495)**

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116/09 **RESOLUTION: (Belleli/Nash) that the report be received and noted.**

**AMENDMENT: (Matson/Andrews) that one (1) filtered water unit be installed at Maroubra Beach.**

**AMENDMENT: (Matson/Andrews) LOST.**

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

**CS8/09 Director City Services Report - Naturestrips (F2004/07382)**

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117/09 **RESOLUTION: (Belleli/ Andrews) that the report be received and noted.**

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

**CS9/09 Director City Services Report - Removal of Parking Meters (F2004/07401)**

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118/09 **RESOLUTION: (Matson/Woodsmith) that the existing meters in the Coogee Oval and Dolphin Street car parks be replaced at a cost of approximately \$60,000.00.**

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

Crs Andrews, Belleli, Matthews and Stevenson requested that their names be recorded as voting against the above resolution.

**Extension of Meeting**

**RESOLUTION: (Nash/Matthews) that the meeting be extended to 12 midnight.**

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**CS10/09 Director City Services Report - Prohibition of Double String Kites on Council's Beaches (F2008/00066)**

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119/09 **RESOLUTION: (Smith/Nash)** that a further report be brought to Council on the risk management issues associated with this matter, prior to consideration being given to lifting the ban on double string kites, such report to include any measures or policies that other Councils have put in place.

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

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**CS11/09 Director City Services Report - Muraborah Reserve Playground (PROJ/10410/2008)**

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120/09 **RESOLUTION: (Andrews/Belleli)** that the playground in Muraborah Reserve is constructed as per the current design.

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

Cr Seng left at this point in the meeting, the time being 11.34pm.

**Director Governance & Financial Services Reports**

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**GF17/09 Director Governance & Financial Services Report - Investment Report - March 2009 (F2004/06527)**

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121/09 **RESOLUTION: (Belleli/Andrews)** that the investment report for March 2009 be received and noted.

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

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**GF18/09 Director Governance & Financial Services Report - Allocation of Commonwealth Stimulus Funding to Vocational Training (F2005/00872)**

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122/09 **RESOLUTION: (Bowen/Stevenson)** that Council provide \$5,000.00 in funding for this initiative from existing resources allocated to the 2009/10 operating budget on a twelve month trial basis.

**MOTION: (Nash/Smith)** that Council write to the relevant Federal Minister requesting grant funding to establish a vocational training sponsorship program providing \$500 in financial assistance per student for a maximum of ten residents, aged less than twenty five years, to undertake vocational training at TAFE. Applications are to be assessed according to merit and hardship.

**AMENDMENT: (Bowen/Stevenson) CARRIED AND BECAME THE MOTION.  
MOTION CARRIED - SEE RESOLUTION.**

**Petitions**

Nil.

**Motion Pursuant to Notice**

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**NM17/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Andrews - Traffic Signals at the Intersection of Maroubra Road and Mons Avenue, Maroubra (F2005/00825)**

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123/09 **RESOLUTION: (Andrews/Belleli)** that:

- a) Council write to the Member for Maroubra and the Minister for Roads, Mr Michael Daley, seeking his support for the installation of traffic signals at the intersection

of Maroubra Road and Mons Avenue, Maroubra; and

b) this matter be submitted to the Local Traffic Committee for consideration.

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

Cr White left at this point in the meeting, the time being 11.40pm.

**NM18/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Andrews - Kerb and Guttering Fitzgerald Avenue, Maroubra. (F2004/07410)**

124/09

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

- a) Council attend to the kerb and guttering of Fitzgerald Avenue, Maroubra on the Heffron Park side (that being the southern side). Further, that Council construct a new footpath, as well as angle parking, in order to improve amenity and pedestrian safety; and
- b) this matter be considered in the 2010-11 budget.

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

**NM19/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Andrews - Installation of CCTV Cameras at Lexington Place (F2008/00547)**

This motion was dealt with in conjunction with item MM31/09 - Mayoral Minute Lexington Place Committee – see page 5 of these Minutes.

**NM20/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Andrews - Summary of Land and Environment Court Decisions (DA/77/2008)**

**MOTION: (Andrews/Matthews)** that a report come to Council, for the public record, on a quarterly basis summarising results of decisions in the Land and Environment Court and the total legal costs incurred by Council defending these matters, noting that recent decisions in the following cases were never reported to Councillors;

- Stockland - v- Randwick City Council
- Mirvac Projects -v- Randwick City Council. **LOST.**

**NM21/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Andrews - Legal Costs for Defending the Garlo's Pies Matter (DA/428/2000/A)**

**MOTION: (Andrews/Matthews)** that a report come to Council, for the public record, as to the total legal cost incurred by the Council as a result of defending the Garlo's Pies, Coogee matter in the Land and Environment Court. **LOST.**

**NM22/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matthews - Long Bay Hospital (DA/177/2006-04)**

**MOTION: (Matthews/Belleli)** that, owing to the lack of usage of the Hospital at Long Bay Jail, the Minister for Health, The Hon. John Della Bosca, be requested to hand back to the people this hospital for public patient care. **LOST.**

Cr Andrews left the meeting at this point (11.47pm) and did not return.

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**NM23/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Andrews - Affordable Housing at 64-66R Minneapolis Crescent, Maroubra (DA/740/2008)**

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This motion was ruled out of order as the consent for the development application in question has been issued.

**Confidential Reports****GM18/09 Confidential - Draft Randwick City Council Management Plan 2009-13: Confidential Fees and Charges (F2008/00649)**

*This matter is considered to be confidential under Section 10A(2)(c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. (In accordance with s404(5) of the Local Government Act 1993, fees and charges for the services provided by this program have not been published as they could confer a commercial advantage to a competitor of Council. )*

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125/09 **RESOLUTION: (Nash/Smith)** that the Draft Confidential Fees and Charges 2009-10 be noted.

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

**GF19/09 Confidential - SSROC Tender for the Supply and Delivery of Industrial Footwear (F2008/00575)**

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

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126/09 **RESOLUTION: (Nash/Smith)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Protector Alsafe be accepted as the successful tenderer; and
- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Protector Alsafe for a period of two years, with an optional one year extension.

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

**Notice of Rescission Motions****NR2/09 Notice of Rescission Motion - Notice of Rescission Motion by Crs Nash, Seng and Smith - Equal Employment Opportunity Policy and Plan 2008-2009 (F2004/06949)**

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**MOTION: (Nash/Smith)** that the resolution passed at the Ordinary Council meeting held on 24 March 2009 reading as follows:

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

BE AND IS HEREBY RESCINDED. **LOST.**

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 11.59pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 26 May 2009.**

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**CHAIRPERSON**