



**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD
ON TUESDAY, 26 MAY 2009 AT 6:10PM**

Present:

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

Councillor M Woodsmith (Deputy Chairperson) (North Ward)

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

Officers Present:

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

Apologies were received from Crs Matthews and Stevenson.

RESOLVED: (Andrews/Nash) that the apologies received from Crs Matthews and Stevenson be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 28 APRIL 2009**

127/09

RESOLUTION: (Andrews/Nash) that the Minutes of the Ordinary Council Meeting held on Tuesday 28 April 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to:

- Item CP19/09 (on page 70 of the minutes) recording Cr Andrews as having voted for the resolution (not against it).
- A reference to the 24 March 2009 decision being added to Item NR2/09 (on page 80 of the minutes).

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Tracey declared a non significant non pecuniary interest in Item CP28/09 as he knows both the objectors and supporters.
- b) Cr Tracey declared a significant non pecuniary interest in Item CP31/09 as 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.
- c) Cr Woodsmith declared a non significant non pecuniary interest in Item CP28/09 as she knows one of the supporters.
- d) Cr Procopiadis declared a non significant non pecuniary interest in Item CP28/09 as he knows one of the supporters.
- e) Cr Procopiadis declared a significant non pecuniary interest in Item CP31/09 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.
- f) Cr Andrews declared a non significant non pecuniary interest in Item CP28/09 as he knows one of the supporters.
- g) Cr Andrews declared a non significant non pecuniary interest in Item CP31/09 as he is a member of the Randwick Labor Club.
- h) Cr Nash declared a non significant non pecuniary interest in Item CP27/09 as one of the Applicant's associate companies has donated to the State Branch of the Liberal Party.
- i) Cr Nash declared a non significant non pecuniary interest in Item CS12/09 as his parents own an adjoining property.
- j) Cr Nash declared a non significant non pecuniary interest in Item NM38/09 as he lives in the vicinity of Ashby Lane.
- k) Cr Matson declared a non significant non pecuniary interest in Item CP28/09 as he knows one of the supporters.
- l) Cr Bowen declared a significant non pecuniary interest in Item CP26/09 as one of the objectors is a member and office holder of a professional association that he is also a member of. Cr Bowen indicated that he would not take part in the debate or the vote on the matter.

- m) Cr Bowen declared a significant pecuniary interest in Item CP28/09 as he owns the adjacent property. Cr Bowen indicated that he would not take part in the debate or the vote on the matter.
- n) Cr Bowen declared a significant non pecuniary interest in Item CP31/09 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.
- o) Cr Notley-Smith declared a non significant non pecuniary interest in Item CP27/09 as one of the Applicant's associate companies has donated to the State Branch of the Liberal Party.
- p) Cr Notley-Smith declared a non significant non pecuniary interest in Item CP28/09 as he know a number of the supporters and is a member of the Randwick District Historical Society.
- q) Cr White declared a non significant non pecuniary interest in Item CP24/09 as he knows the Mediator for this application.
- r) Cr White declared a non significant non pecuniary interest in Item CP26/09 as the Developer's daughter is in the same class at school as his daughter and the girls play Netball in the same team.
- s) Cr White declared a non significant non pecuniary interest in Item CP28/09 as he knows one of the supporters.
- t) Cr White declared a significant non pecuniary interest in Item CP31/09 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.
- u) Cr Belleli declared a non significant non pecuniary interest in Item CP24/09 as he knows the Mediator for this application.
- v) Cr Belleli declared a non significant non pecuniary interest in Item CP27/09 as one of the Applicant's associate companies has donated to the State Branch of the Liberal Party.
- w) Cr Belleli declared a non significant non pecuniary interest in Item CP28/09 as he knows one of the supporters.
- x) Cr Belleli declared a significant non pecuniary interest in Item MM38/09 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.
- y) Cr Matson declared a non significant non pecuniary interest in Item NM29/09 as he has known the speaker (Jocelyn McGirr) for a long time.
- z) Cr Matson declared a non significant non pecuniary interest in Item NM30/09 as he has known the speaker (Jocelyn McGirr) for a long time.
- aa) Cr Seng declared a non significant non pecuniary interest in Item CP27/09 as one of the Applicant's associate companies has donated to the State Branch of the Liberal Party.
- bb) Cr Seng declared a non significant non pecuniary interest in Item CP28/09 as he knows one of the supporters.

- cc) Cr Smith declared a non significant non pecuniary interest in Item CP27/09 as one of the Applicant's associate companies has donated to the State Branch of the Liberal Party and also 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:

CP26/09 120 ALISON ROAD, RANDWICK

Against Bernard Coles

For Anthony Betros

CP27/09 212 ARDEN STREET, COOGEE

For Rona Wade (representing the Coogee Precinct Committee)

Against Christopher Granham (Architect)

CP28/09 155 - 157 ARDEN STREET, COOGEE

Against Jesse Wynhausen

For Brett Brown (Planner on behalf of applicant)

CS12/09 HERBERT STREET, MALABAR - STREET IMPROVEMENTS

For Brett Newbold

NM24/09 MOTION PURSUANT TO NOTICE FROM COUNCILLOR MATSON - NEGATIVE REACTION TO FUTURE MUSIC FESTIVAL EVENT

Against Brett Robinson

NM28/09 MOTION PURSUANT TO NOTICE FROM COUNCILLOR MATSON - CLIMATE EMERGENCY RALLY ON SATURDAY 13 JUNE 2009

For Vivienne Langford

NM29/09 MOTION PURSUANT TO NOTICE FROM COUNCILLOR MATSON - UNAUTHORIZED PATHWAY OFF ARGYLE CRESCENT IN RANDWICK ENVIRONMENT PARK

For Jocelyn McGirr

NM30/09 MOTION PURSUANT TO NOTICE FROM COUNCILLOR MATSON - REVEGETATION OF RANDWICK ENVIRONMENT PARK

For Jocelyn McGirr

The meeting was adjourned at 7.40pm and was resumed at 8.08pm.

Procedural Motion

RESOLVED: (Andrews/Nash) that Item CP31/09 be brought forward for immediate consideration, followed by all matters which were the subject of addresses by members of the public.

Mayoral Minutes**MM36/09 Mayoral Minute - South Maroubra Village Green Art Show - Request to waive fees (F2009/07550)**

128/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the Administration Fee in the amount of \$250.00 be waived and funds be charged to the 2009-2010 Contingency Fund;
- b) the activity organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and
- c) the Mayor or his representative be given the opportunity to address the activity on behalf of Council.

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

MM37/09 Mayoral Minute - Financial assistance - SHINE for Kids 'Children's Variety Extravaganza' (F2005/00182)

129/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that Council donate \$1,000.00 to SHINE for Kids to allow 20 local (Coogee and Maroubra) children to have a day out at the movies and that the funds be allocated from the 2008-09 Contingency Fund.**

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

MM38/09 Mayoral Minute - Waiving of fees - Maroubra fun run and oktoberfest (F2004/08114)

Having declared an interest in this matter earlier in the meeting, Cr Belleli left the Council Chamber during the debate and the vote on the matter.

130/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$4,566.80 to cover the costs associated with Council's contribution towards the organising of the Maroubra Fun Run, Oktoberfest to be held on Sunday 25 October 2009, and that these funds be allocated from the 2009-2010 Contingency Fund.
- b) Council advise the organisers of the Maroubra Fun Run and Oktoberfest that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event. Such acknowledgement to include Council's logo for inclusion on promotional literature and Council's banner be displayed at the event.
- c) the organisers be advised that Council requires an acceptance in writing that should Council property be damaged in any way the organisers of the event will compensate Council for the repair or replacement of the damaged item(s).

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

MM39/09 Mayoral Minute - Mayoral Charity Ball (F2008/00398)

131/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that this Mayoral Minute be received and noted and planning for a 2009 Randwick City Mayoral Ball commence.**

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

MM40/09 Mayoral Minute - Meeting of Mayors and General Managers - Anti-Social Behaviour Issues (F2009/00164)

132/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Randwick City Council receive and note the Report released by the forum of Sydney Beachside Councils titled *Managing the challenge of anti-social issues experienced by Sydney Beachside Councils*, dated May 2009;
- b) Randwick City Council provides its support to the Sydney Beachside Councils' forum to continue its work to engage with the State government to implement the Reports recommendations;
- c) the forum be asked to consider and make recommendations in relation to anti-social behaviour by youth on public transport and around public transport points.

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

MM41/09 Mayoral Minute - IPWEA Engineering Excellence Award (F2009/00178)

133/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that the winning of the IPWEA's 2009 Engineering Excellence Award for Pioneers Park, Malabar be received and noted.**

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

MM42/09 Mayoral Minute - Cancer Council Eastern Suburbs Relay For Life (F2009/00041)

134/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that the Councillors and staff who participated in the inaugural Eastern Suburbs Relay For Life event be thanked for their participation/contribution.**

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

MM43/09 Mayoral Minute - Reinstatement of July Ordinary Council Meeting (F2008/00398)

135/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that the 28 July 2009 Ordinary Council Meeting be reinstated.**

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

Urgent Business

GM24 /09 General Manager's Report - United Nations Association (Australia) World Environment Day in Melbourne, 5 June 2009 (F2004/08350)

136/09 **RESOLUTION: (Andrews/Matson) that Councillors advise the General Manager by Wednesday, 27 May 2009, whether they wish to attend the World Environment Day Awards in Melbourne on Friday, 5 June 2009.**

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

GM25/09 General Manager's Report - Council's Nominees for Joint Regional Planning Committee (F2009/08174)

137/09 **RESOLUTION: (Smith/Woodsmith) that:**

- a) Council endorse Councillor Nash to be Randwick City Council's nominee on the JRPP;

- b) Council nominate Councillor Matson for the JRPP; and
- c) Council nominate Councillor Bowen as an alternate member on the JRPP.

AMENDMENT: (Bowen/Tracey) that Council appoint suitably qualified members of the community (i.e residents) to fill the positions on the JRPP. **LOST.**

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

Director City Planning Reports

CP24/09 Director City Planning Report - 54 Mount Street, Coogee (DA/783/2008)

138/09

RESOLUTION: (Andrews/Matson) -

- A. That Council, as the consent authority, supports the objections under State Environmental Planning Policy No. 1 Development Standards (SEPP 1) in respect to non-compliance with Clauses 31, 32 and 33 of Randwick Local Environmental Plan 1998, relating to Landscaped Area provision, Floor Space Ratio and Building Height, on the grounds that the proposed development is consistent with the objectives of the aforementioned clauses, 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, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 783/2008 for alterations and additions to an existing residential flat building, including the construction of a second floor level, front balconies, a tandem garage with communal terrace above and associated landscape works, at No. 54 Mount Street, Coogee, subject to the following conditions:

REFERENCED PLANS:

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

Plan Number	Dated	Received	Prepared By
0805 DA19A	28/01/09	30 Jan 2009	Habitat Architects
0805 DA20A	28/01/09	30 Jan 2009	
0805 DA21A	28/01/09	30 Jan 2009	
0805 DA22A	28/01/09	30 Jan 2009	
0805 DA23A	28/01/09	30 Jan 2009	
0805 DA24A	28/01/09	30 Jan 2009	
0805 DA25A	28/01/09	30 Jan 2009	
0805 DA26A	28/01/09	30 Jan 2009	
0805 DA27A	28/01/09	30 Jan 2009	
080901 L01	27.10.08	30 Oct 2008	

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

ENVIRONMENTAL AMENITY:

The following conditions are applied to protect the amenity of the subject

2. A 300mm wide solid blade screen/wall shall be installed along the full height of the western edge of window W12, which is similar in configuration to that proposed for window W20. Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
3. A stainless steel wire fence shall be installed above the existing masonry wall along the western boundary of the subject site, in order to provide improved security for the adjoining properties at No. 27 Abbott Street. The fence shall extend along the full length of the western boundary of the site and comprise four (4) stainless steel wires equally spaced at 200mm intervals, so that its maximum height will not exceed 800mm above the existing boundary wall. Details demonstrating compliance shall be incorporated in the Construction Certificate documentation.
4. The proposed west-facing windows attached to the study and bathroom areas on the second (top) floor level are to be constructed with obscured / frosted / translucent glazing. Details demonstrating compliance with the above requirement shall be incorporated in the Construction Certificate documentation, to the satisfaction of the Principal Certifying Authority.
5. The west-facing windows attached to the kitchen, bedroom and stairwell areas on the first floor level are to be constructed / replaced with obscured/frosted/translucent glazing. Details demonstrating compliance with the above requirement shall be incorporated in the Construction Certificate documentation, to the satisfaction of the Principal Certifying Authority.
6. A **minimum of four (4) bicycle parking spaces** are to be provided within the development. The design and construction of the bicycle parking and storage facilities are to be consistent with Australian Standard 2890.3. Details demonstrating compliance with the above requirement are to be incorporated in the Construction Certificate documentation, to the satisfaction of the Principal Certifying Authority.
7. A timber fence of 1.8m in height, as measured from the finished floor level of the communal terrace above the garage, is to be installed along the northern boundary of the site. The above fence is to be setback 5.5m from the eastern (Mount Street) boundary.
8. Mail boxes for all residential units shall be provided adjacent to the main pedestrian pathway to the building, and are to be conveniently accessible by public postal services.
9. The proposed tandem parking spaces are to be allocated to a 3-bedroom dwelling within the development. Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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:

10. The colours, materials and finishes of the external surfaces to the building are to be consistent with the approved drawings and the External Finishes Schedule, numbered 0805, prepared by Habitat Architects and received by Council on 30 October 2008.
11. 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.

12. Power supply and telecommunications cabling to the development shall be underground.
13. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
14. 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.
15. 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.
16. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.

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

17. 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.
18. 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.

19. 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)
20. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

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

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

21. 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 \$100001 - \$200000	-----	-----	-----
Development cost more than \$200000	\$899,464	1.0%	\$8,994.64

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

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

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

Regulatory

22. 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.
23. 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*.
24. **Prior to the commencement of any building or fire safety works, a construction certificate must be obtained** from the Council or an accredited certifier, in accordance with the provisions of the Environmental

Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

25. **Prior to the commencement of any building or fire safety works**, the person having the benefit of the development consent must:
- i) appoint a Principal Certifying Authority for the building work, and
 - ii) appoint a principal contractor for the building work 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 persons intention to commence building works.

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

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

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

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

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

28. 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.

29. **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.

30. 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.

31. 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.

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

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

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

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

Structural adequacy

33. 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 structural adequacy of the building, including balustrades to balconies, terraces / balconies and stairways.

Construction site management

34. Demolition work and the removal, storage, handling and disposal of building materials 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 Codes of Practice and Guidelines
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- 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.
- e) 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.

- f) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- g) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
36. 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.
37. 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.
38. 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).

39. 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.

40. 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.

41. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - a) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
 - b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - 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 & Regulatory Services department.
 - d) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
 - e) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's 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.
 - f) 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.

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

Fire safety

42. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, **prior to issuing an occupation certificate**:
- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
 - 1) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA),
 - 2) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - 3) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
 - 4) Provide a portable fire extinguisher within the building, adjacent to any electrical switchboard, in accordance with clause E1.6 of the BCA,
 - 5) Provide a non-combustible enclosure (i.e. a metal cabinet) with seals to prevent the passage of smoke to any electricity meters and switchboard located in corridors, exits or within stairways,
 - 6) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
 - 7) The floors/ceilings separating the residential units throughout the building shall be upgraded to achieve a resistance to the incipient spread of fire to the space above of not less than 60 minutes,
 - 8) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
 - 9) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the

provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.

- b) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia for a Class 2 building of type A construction.
 - c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
43. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council (from the Principal Certifying Authority) which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

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

44. Prior to the issuing of a final 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.
45. 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.
46. 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:

47. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at (concrete/paved/tiled level) at the property boundary for the proposed garage shall not exceed a grade of 1:7 from the back of the existing Council footpath level.
48. 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.
49. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

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

50. 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.
51. 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 condition is applied to provide adequate provisions for drainage and associated infrastructure:

52. Stormwater runoff from the site shall be discharged to the kerb and gutter along the site frontage in Mount Street by gravity (without the use of a charged system).

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

53. Landscaping at the site shall be installed in accordance with the Landscape Plan by Jane Irwin Landscape Architecture, job number 080901, drawing number L01, issue A, dated 27.10.2008, prior to the issue of a Final Occupation Certificate, and shall be maintained in accordance with these plans.
54. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

55. 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 too small to be covered by the Tree Preservation Order (TPO), and is subject to full implementation of the approved landscape plan.
56. Permission is also granted for the selective pruning of those branches from **the northern aspect of the *xCuprocyparis leylandii* (Leyland Cypress), located beyond the southeast corner of the subject site, within 54A Mount Street**, close to the common boundary, as well as those **2nd and 3rd branches from the eastern aspect of the *Quercus robur* (English Oak), located beyond the southwest corner of the site, within 27 Abbott Street**, which need to be specifically pruned in order to avoid conflict/interference during both the course and upon completion.
57. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.

58. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

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:

59. 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.

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.

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

CP25/09 Director City Planning Report - 32 Cooper Street, Maroubra (DA/792/2008)

139/09

RESOLUTION: (Andrews/Matson) 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/792/2008 demolition of existing dwelling, construction of new two storey dwelling, garaging and associated works at 32 Cooper Street, Maroubra, subject to the schedule of conditions outlined in this report:

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 DA0102, DA0202, DA0302, DA0402, DA0502, DA0602 dated April 2009, received by Council on 24 April 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. A privacy screen having a minimum height of 1.8m must be provided to the southern edge of the rear upper level balcony. Details of compliance are to be provided in the construction certificate plans.
3. The southern most windows to the rear upper level ensuite must be frosted/obscured glass. Details of compliance are to be provided in the construction certificate plans.
4. The colours, materials and finishes of the external surfaces to the building are to be consistent with the colour schedule submitted with the application on the 3rd November 2008.
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. 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.
8. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
9. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
10. To maintain a reasonable degree of privacy to the adjoining properties privacy screens of either obscured glazing or fixed louvers (suitably angled and spaced, to prevent overlooking) must be installed to a height of 1800mm above floor level to both sides of the rear upper level balcony.

The following condition/s are imposed to satisfy the requirements of the Sydney Water Corporation.

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 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;

12. 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	\$ 363 061	1.0%	\$ 3 630.61

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

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

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

13. 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.
14. 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.

15. 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)

16. 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:

17. 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:

18. 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.

19. 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*.

20. **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.

21. **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.

22. 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.

23. 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".
24. 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.

25. **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.

26. 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.

27. 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.

28. 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:

29. 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.

30. 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.

31. 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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - 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 (ie 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 in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

32. 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.

33. 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.

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

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

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

Notes

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

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

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

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

37. 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.
38. 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.
39. 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.

40. 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.

41. 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.

42. 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 5 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:

43. 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.

44. 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.

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 $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

- b) Plant and equipment associated with rainwater tank(s) are to be

enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday;
or
 - before 7.00am or after 8.00pm on weekdays.

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

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
47. demolition and construction Waste Management Plan (WMP) must be development and implemented for the development, to the satisfaction of Council, **prior to the commencement of works.**

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

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

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

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

48. Prior to the issuing of a final 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.
49. 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.
50. 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:

51. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at (concrete/paved/tiled level) at the property boundary for the driveway, shall be:
- **RL 30.28**
52. The design alignment levels (concrete/paved/tiled level) issued by Council 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.
53. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). 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:

54. 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.
55. 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:

56. 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.
57. Stormwater runoff from the site shall be discharged either:
- b. To the kerb and gutter along the site frontage in Cooper Street by gravity (without the use of a charged system); OR
 - c. Through private drainage easements to Council's kerb and gutter (or underground drainage system); OR
 - d. To a separate suitably sized infiltration area. As a guide, infiltration areas shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² 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.

58. 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.
59. 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.

60. All pumps 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:

61. 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.
62. Landscaping at the site shall be installed substantially in accordance with the Concept Landscape Plan prepared by Rawson Homes Pty Ltd, job number J/000709, amendment 00, dated October 2008, subject to the following additional requirements being shown on an amended plan which shall be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate, with a copy of the approved plan to be forwarded to Council prior to the commencement of works:
 - a) Inclusion of the pot size at time of planting for all proposed species, together with their quantities and locations clearly shown;
 - b) A minimum of 2 x 25 litre/300mm (pot size at the time of planting) trees which will attain a minimum height at maturity of between 4-7 metres shall be selected from the planting schedule, comprising one each in both the front and rear yards.
63. 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

64. Approval is granted for the removal of all existing vegetation within the site where necessary in order to accommodate the proposed works where necessary, as all were observed to be insignificant, and too small for the provisions of Council's Tree Preservation Order (TPO), with this approval subject to full implementation of the approved landscape plan.

Tree Protection Measures

65. In order to ensure the retention of the *Robinia pseudoacacia* 'Frisia' (Golden Robinia), on Council's Cooper Street nature strip, to the north of the existing vehicle crossing, close to the northern site boundary in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application must show retention of this street tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
 - b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application must show that the **northern edge of the proposed vehicle crossing will be located a minimum distance of 1.8 metres off its trunk**, with any stormwater or similar systems being discharged to the kerb to be located along the southern side of the site in order to minimise damage to the root system of this tree.
 - c. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located along the edge of the neighbouring vehicle crossing to the north (30 Cooper Street), the back of the kerb to its east, as well as a distance of 1.5 metres to the west and south of its trunk in order to completely enclose this tree for the duration of the works.
 - d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - e. The applicant is not authorised to perform any works to this street tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
 - f. Within the zone specified in point 'c' 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.
 - g. Any roots encountered during excavations for the proposed vehicle crossing or similar shall be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - h. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of **\$750.00** (no GST) shall also be

paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

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

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

ADVISORY MATTERS:

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

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

- A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip 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/Matson) CARRIED - SEE RESOLUTION.

CP26/09 Director City Planning Report - 120 Alison Road, Randwick (DA/525/2008)

Having declared an interest in this matter earlier in the meeting, Cr Bowen left the Council Chamber and did not take part in the debate or the vote on the matter.

140/09

RESOLUTION: (Andrews/Matson -

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 32(1) and 33(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio and maximum wall height on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

and

- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/525/2008 for the demolition of an existing dwelling house and construction of a four storey residential flat building containing 14 dwelling units, associated landscaping with basement car parking for 20 vehicles at 120 Alison Road, Randwick, subject to the following conditions:
1. The development must be implemented substantially in accordance with the plans numbered DA100, DA101, DA102, DA103, DA104, DA105, DA300, DA301, DA400, all Revision 02, and stamped received by Council on 2 March 2009, and the application form, and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. Details of the installation of a 1.8m high privacy screen along the eastern edge of each of the south-facing terraces/balconies linked to the living room of proposed Units 1, 5 and 9 shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
3. Details of the installation of a 1.8m high privacy screen along the eastern edge of each of the terraces/balconies linked to the bedroom of proposed Units 1, 5 and 9 shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. Details of the landscaping treatment along the 3.5m eastern side setback adjoining the property at No. 122 Alison Road which shall include provision for the practical ability to erect a scaffolding for the purposes of painting, weatherproofing and general maintenance of the west-facing wall of the heritage item at No. 122 Alison Road shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. Details of installation of light well into stair; increased airflow to allow bathrooms to naturally ventilate into the shared corridor; relocation of the mechanical duct behind the stairs; provision of fans in bedrooms, insect screens and louvre type windows to balconies that can be opened securely during the night assist in reducing a reliance on air-conditioning; a more open, light filled set of landing lobbies to allow better cross ventilation in the apartments; and insulation of the roof to Unit No. 9 with polystyrene and pebble ballast shall be submitted to and approved by Council's Director City Planning Council prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development
6. Details of bicycle storage as required in the Development Control Plan – Parking

shall be submitted to and approved by Council's Director City Planning Council prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

7. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
8. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
9. Lighting to the premises shall be designed in accordance with AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
10. 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.
11. Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.
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. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

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

15. The landscape plan for the proposed development is to be amended in order to allow sufficient space for the periodic erection of scaffolding on the subject site to facilitate the maintenance (including painting) of the western wall of the

adjacent heritage item.

16. The colours, materials and finishes of the external surfaces to the building are to be more compatible with surrounding buildings and the adjacent heritage item. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
17. Further detail is to be provided on proposed modifications to the sandstone retaining wall to the front boundary, and original sandstone gatepost bases in order to provide the pedestrian entry to the site from Alison Road. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
18. Necessary repairs to the western end of the sandstone retaining wall to the front boundary are to be carried out conjunction with the proposed development. A suitably qualified and experienced stonemason shall be engaged to carry out these conservation works.
19. In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potent extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	Not applicable.	0.5%	Not applicable.
Development Cost More than \$200,000	\$2,536,100	1.0%	\$25,361.00

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

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

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

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

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

22. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.
23. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

24. 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.

25. 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*.
26. **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.

27. 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.

28. 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.

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

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

31. **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.

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

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

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

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

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

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

34. 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.

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

stairway, corridors or the like must be interconnected.

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

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

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

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

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

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

37. 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.
38. 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.

39. 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**.

40. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority

prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

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

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

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

43. 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.

44. 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).

45. 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.

46. 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.

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

the above, it is necessary to submit all relevant readings and calculations made.

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

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

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

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

- h) Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
49. 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.
50. A **Construction Site Management Plan** is to be developed and implemented **prior to the commencement** of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing/hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction;
 - provisions for public safety;
 - dust control measures;
 - site access location and construction
 - details and methods of disposal of demolition materials;
 - protective measures for tree preservation;
 - provisions for temporary sanitary facilities;
 - location and size of waste containers/bulk bins;
 - details of proposed sediment and erosion control measures;
 - construction noise and vibration management;
 - construction traffic management provisions.
- The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and convenience to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.
51. 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.

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

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

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

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

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

53. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

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

inside of the fence to provide dust control, or other material approved by Council.

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

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

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

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

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

54. 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.

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

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

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

The Demolition Work Plan must be submitted to the Principal Certifying

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

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

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

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

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

c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

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

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

57. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

a. A *Road/Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act*

1993 and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

- b. The owner/developer 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.
- c. Relevant *Road/Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d. Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- e. Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- f. Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- g. The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- h. Public and vehicular safety must be maintained at all times and any related directions issued by Council officers must be complied with.
- i. The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 - Traffic Control Devices for Works on Roads, at all times.
- k. Not more than half of any road is to be opened up at any one time and excavations must be provided with suitable fencing/ barricades and flashing amber lights if not completed by the end of the day.
- l. Any necessary approvals must be obtained from NSW Police, Roads & Traffic Authority, State Transit Authority and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

All conditions and requirements of the NSW Police, Roads & Traffic Authority, State Transit Authority and Council must be complied with at all times.
- m. A detailed Traffic Management Plan must be submitted to and approved by Council and relevant Authorities, prior to carrying out any work which results in the closure or partial closure of a State or Regional Road, as identified by the NSW Roads & Traffic Authority.
- n. Sediment control measures must be implemented in accordance with

the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.

- o. The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.
- p. Council's Road/Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.

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

58. 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:

59. The applicant shall install a traffic control system to be used for vehicles entering/exiting the carpark via the proposed ramp. The design/operation details for the traffic control system including full design and location details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
60. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:

- a) Construct a heavy duty concrete vehicular crossing opposite the vehicular entrance to the site in Tram Lane.
61. 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.
62. 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.
63. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
64. 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.
65. All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

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

66. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must be as follows:
- Alison Rd Frontage - match the back of the existing footpath along the full site frontage.
- Tram Lane frontage - match into the existing asphalt roadway in Tramway Lane along the full site frontage.
67. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/footpath must be indicated on the building plans for the construction certificate.
68. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1244.00 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.
69. The top of footings of any structures constructed on the 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:

70. 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.
71. 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.
72. 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.

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

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

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

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

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

75. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
76. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
77. All site stormwater must be discharged (by gravity) to either:
- a) The kerb and gutter or drainage system at the front of the property; OR
 - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
78. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the

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

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

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

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

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

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

80. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.

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

82. Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property/areas accessible by residents of all units.

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

- a) 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

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

85. The floor level of all habitable and storage areas adjacent to the detention area

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

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

86. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
87. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
88. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

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

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

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

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

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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.
 - c. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
91. **One** covered car washing bay shall be provided for this development.
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
 - b) The car washing bay must be located outside any required/approved stormwater detention system.
 - c) The car washing bay may be located within the visitor parking spaces provided they are signposted with '*Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times*'
 - d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay.
92. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) The location of the detention basin with finished surface levels;
 - b) Finished site contours at 0.2 metre intervals;
 - c) Volume of storage available in the detention areas;
 - d) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - e) The orifice size(s) (if applicable);

- f) Details of any infiltration/absorption systems; and
 - g) Details of any pumping systems installed (including wet well volumes).
93. 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.
94. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:

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

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

96. The garbage room areas will have to be designed so as to be able to contain a total of 14 x 240 litre bins (7 garbage bins & 7 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.
97. 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.
98. The waste storage areas shall be clearly signposted.

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

99. Landscaping at the site shall be installed in accordance with the Landscape Planting Plan by Michael Siu Landscape Architects Pty Ltd, drawing L01/1-R13524, dated July 08, subject to the following additional requirements being included on an amended plan which shall be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate (with a copy of the approved plan to be forwarded to Council prior to the commencement of works):
- a. Confirmation that the existing, heritage significant sandstone retaining wall/front boundary fence will be retained in-situ (and repaired where necessary), and must be effectively incorporated into the overall landscape design;

- b. Sections and elevations of this front wall, together with its relationship to the streetscape, any proposed planting (to be shown at mature size), as well as any other structures and the proposed building;
 - c. Additional notation showing soil and mulch details, irrigation, edging, paving, fencing, surface finishes, retaining wall details, and any other landscape elements in order to fully detail the proposed landscape works;
 - d. In order to ensure satisfactory maintenance of the landscaping, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
 - e. 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.
100. 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, with certification from a qualified Landscape Architect (member of AILA) or Landscape Designer/Manager (member of AILDLM), to be submitted to the PCA (and Council, if not the PCA), which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions of development consent.
101. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

102. Approval is granted for the removal of all existing vegetation within the subject site in order to accommodate the proposed works as shown, as all were observed to be either insignificant or exempt from the provisions of Council's Tree Preservation Order (TPO), but is subject to full implementation of the approved landscape plan.
103. Permission is granted for the selective pruning of those lower growing, 2nd and 3rd order branches from the eastern aspect of the *Cinnamomum camphora* (Camphor Laurel), which is located in the front yard of the adjoining property to the west, 118 Alison Road, close to the common boundary, which need to be pruned in order to avoid damage during the course of construction, or to maintain a clearance off the southwest corner of the proposed building upon completion.
104. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where it is desirable in the best interests of correct pruning procedures, and ultimately, the health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform such work.
105. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Tree Protection Measures

106. In order to ensure preservation of the row of four *Platanus x hybrida* (London Plane Trees), within Council's Alison Road footpath, spaced evenly across the width of the site 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 their retention, with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
 - b. In order to prevent harmful excavations to their root-zones, all documentation must show that any pipes used to formally discharge site stormwater to the kerb will be located to the west of the most western street tree, as close as practically possible to the western site boundary.
 - c. Each 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 their south, as well as a minimum distance of 1.5 metres to their west, east and north (measured off the outside edge of their trunks at ground level) in order to completely enclose each tree for the duration of the works.
 - d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - e. The applicant is not authorised to perform any works to any of these four street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
 - f. 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 on either of Council's footpath or nature strip.
 - g. A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for an amount of **\$20,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these street trees.

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

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

107. In order to also ensure retention of a total of five *Howea fosteriana* (Kentia Palms), located within the adjoining heritage listed property to the east, 122

Alison Road, being two adjacent the northeast corner of the subject site, and a row of three adjacent the southeast corner, as well as one *Cinnamomum camphora* (Camphor Laurel) adjacent the southwest corner, within 118 Alison Road, all of which are close to common boundaries, 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 their retention with the position of their trunks and full diameter of their canopies/crowns clearly shown on all drawings.
- b. Any roots encountered during excavations for footings, structures, retaining walls, basement carparks, services, pipes, detention tanks, stormwater infiltration systems, paving etc shall be cut cleanly by hand, and the affected area backfilled as soon as practically possible. In order to prevent the entry of harmful plant pathogens, roots are not to be left exposed to the atmosphere for prolonged periods of time.
- c. 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 beneath the extent of any of their driplines.

ADVISORY MATTERS:

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

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

- | | | |
|----|-------------|--|
| a) | Part B1 | - Structural provisions |
| b) | Part C1 | - Fire resistance and stability |
| c) | Part C2 | - Compartmentation and separation |
| d) | Part C3.11 | - Bounding construction: Class 2,3 & 4 buildings |
| e) | Clause D1.3 | - When fire-isolated exits are required |
| f) | Clause D1.4 | - Exit travel distances, particularly from basement car park |
| g) | Clause D1.7 | - Travel via fire isolated exits |
| h) | Part D2 | - Construction of exits |
| i) | Clause D2.4 | - Separation of rising and descending stair flights |
| j) | Part E1 | - Fire fighting equipment |
| k) | Part E2 | - Smoke Hazard Management |
| l) | Part E3 | - Lift Installations |
| m) | Part E4 | - Emergency lighting, exit signs & warning systems |
| n) | Part F1 | - Damp and weatherproofing |
| o) | Part F2.1 | - Sanitary and other facilities (employee's WC req'd) |
| p) | Part F4 | - Light and ventilation, particularly to car park |
| q) | Part F5 | - Sound Transmission and Insulation |
| r) | Section J | - Energy efficiency |

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

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

to be addressed accordingly.

2. The applicant/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.

3. 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/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP27/09 Director City Planning Report - 212 Arden Street, Coogee
(DA/846/2008)**

141/09

RESOLUTION: (Matson/Woodsmith) that Council as the responsible authority refuse its consent under Section 80A of the Environmental Planning and Assessment Act 1979 to Development Application No 846/2008 for permission to replace existing fixed windows on Coogee Bay Road frontage of the Coogee Bay Hotel with new bi-fold windows at 212 Arden Street, Coogee, for the following reasons:

1. this proposal is not in the public interest in that it:
 - a. represents an overdevelopment of the predominate use of the site, i.e the selling of alcohol
 - b. is likely to alienate the usage of the footpath away from the broader body of beach users and shoppers
 - c. the close proximity of drinkers at the windows will be likely to intimidate some sections of the community when they are using the footpath
 - d. is likely to encourage an undesirable congregation of drinkers on the footpath around the windows
2. the proposal does not meet with the objectives of the General Business zoning of the Council, (zone No. 3A):
 - a. Clause 13(i)(a) - to maintain the viability of existing business centres
 - b. Clause 13(i)(b) - to facilitate the development of land in places identified by the Council as suitable to be used as business centres for commercial, retail, residential and community purposes by providing and enhancing pedestrian and public open space for shoppers and workers; and by enhancing the employment opportunities concerning the needs of the local and regional community
 - c. Clause 13(i)(c) - to minimise the impact of development on adjoining nearby residential zones.

MOTION: (Nash/Andrews) that the application be deferred to enable the Applicant to submit an amended Plan of Management that addresses Council's concerns, including measures to address anti-social behaviour on the footpath. **LOST**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST

were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor Bowen
	Councillor Hughes
	Councillor Matson
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (2)	Total (11)

MOTION: (Matson/Woodsmith) 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 Smith
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (12)	Total (1)

CP28/09 Director City Planning Report - 155 - 157 Arden Street, Coogee (DA/58/2008)

Having declared an interest in this matter earlier in the meeting, Cr Bowen left the Council Chamber during the debate and the vote on the matter.

Note: A rescission motion was submitted in on this matter and will be considered at the Planning Committee meeting to be held on 9 June 2009.

142/09

RESOLUTION: (Woodsmith/Matson) that Council confirm its original decision to refuse development consent under Section 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/58/2008 for demolition of existing structures on site and construction of a 3-storey multi-unit housing development comprising 8 x 3-bedroom apartments, car parking for 19 vehicles, landscape works, modification and reconstruction of sandstone retaining walls along the carriageway of Arden Street and creation of an easement for connection with the adjoining land at No. 159 Arden Street, Coogee, for the following reasons:

1. The proposed development is not consistent with Clause 2 (e) & (g) of the Aims of the Randwick Local Environmental Plan 1998, as the proposed development will not promote, protect and enhance the aesthetic character of the City.

2. The proposed development is not consistent with Clause 12(1)(c) of the Objective of Zone No. 2C Residential under Randwick Local Environmental Plan 1998, as the proposed development will compromise the amenity of surrounding residential areas.
3. The proposed development does not comply with the provisions under Clause 29 (Foreshore Scenic Protection Area) of the Randwick Local Environmental Plan 1998 in that the proposed built form will adversely affect the scenic qualities of the foreshore area.
4. The proposed development does not comply with the maximum floor space ratio standard under Clause 32(1) of the Randwick Local Environmental Plan 1998 and will adversely affect the amenity of the adjoining and nearby residential properties in terms of visual bulk and scale, overshadowing, loss of privacy and views. The State Environmental Planning Policy No. 1 (SEPP 1) objection in relation to the proposed development's departure from Clause 32(1) of the Randwick Local Environmental Plan 1998 is therefore not well-founded.
5. The proposal will impact on the heritage significance of the existing sandstone retaining walls on Arden Street and adversely affect the aesthetic value of the streetscape.
6. The proposed development fails to achieve the design quality principles outlined in State Environmental Planning Policy No. 65 in terms of context, scale, built form, density, energy efficiency, landscaping, amenity, safety & security, aesthetics and social issues.
7. The proposed development is inconsistent with the relevant Objectives, Performance Requirements and Preferred Solutions of the following parts of the Development Control Plan for Multi Unit Housing:
 - Part 3.3 Building Setbacks
 - Part 3.4 Density
 - Part 4.2 Privacy
 - Part 4.3 View Sharing
 - Part 4.4 Solar Access and Energy Efficiency
 - Part 6.2 Foreshore Scenic Protection Area
8. The proposal will not provide for safe vehicular and pedestrian access to Arden Street.
9. The proposed development is not in the public interest having regard to the submissions received.

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

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

FOR	AGAINST
Councillor Bellei	Councillor Andrews
Councillor Hughes	Councillor Nash
Councillor Matson	Councillor Procopiadis
Councillor Notley-Smith	Councillor Seng
(casting vote)	
Councillor Smith	Councillor Tracey
Councillor Woodsmith	Councillor White
Total (6)	Total (6)

CP29/09 Director City Planning Report - 1 Fleming & 30 - 36 Harvey Streets, Little Bay (DA/530/2008)

143/09

RESOLUTION: (Andrews/Matson) -

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A(2) and 30A(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio and maximum storey and building height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

AND

- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/530/2008 for the adaptive reuse of the Heffron and Delaney Buildings for residential purposes and the construction of two new multi-unit housing buildings (referred to as Building A and Building B) at the rear, each one being part 5/part 6 storeys in height with 2 levels of basement car parking for 159 vehicles and a total of 102 dwellings, associated private recreational facilities and landscaping at 1 Fleming Street & 30-36 Harvey Street, Little Bay, subject to the following conditions:
1. The development must be implemented substantially in accordance with the plans numbered AR DA 1 No 01 Rev. 3, AR DA 2 No 00 Rev. 15, AR DA 2 No 01 Rev. 15, AR DA 2 No 02 Rev. 14, AR DA 2 No 03 Rev. 13, AR DA 2 No 04 Rev. 13, AR DA 2 No 05 Rev. 13, AR DA 2 No 06 Rev. 13, AR DA 2 No 07 Rev. 12, AR DA 2 No 08 Rev. 6, AR DA 5 No 00 Rev. 6, AR DA 5 No 01 Rev. 6, AR DA 5 No 02 Rev. 6, AR DA 6 No 00 Rev. 7, AR DA 6 No 01 Rev. 7 and AR DA 6 No 02 Rev. 6 and all stamped received by Council on 17 December 2008, the Sustainability Report with attached BASIX Certificate No. 226251M 11 December 2008 and received by Council on 17 December 2008, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:

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

2. The external colours, materials and finishes of the proposed development and the landscaping shall be in accordance with the details submitted to Council on 28 July 2008 as amended by further details required in Condition 5.
3. Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site 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.

5. 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:
 - Use of translucent glass in all balustrades to provide more privacy for building occupants in Building A and Building B.
 - Detail of brick work and detailing to be used in Building A and B and how these relate to the existing brick work and detailing of the Heffron and Delaney Buildings.

6. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, **prior to issuing an occupation certificate.**

7. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
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. Details of public access to the visitor's carparking spaces is to be maintained at all times if applicable and, any intercom system to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use. This approval does not include the installation of any roller doors or gates or the like to the carpark, without the prior development consent of Council.
10. 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.
11. 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.
12. 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.
13. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any

building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au 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.

14. A formal subdivision application is required to be submitted to and approved by the Council prior to the release of the subdivision plans.
15. A copy of the Environmental Education Toolkit is to be provided for all future residents of the development.

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

16. 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	\$979,927.20	1.0%	\$9799.27

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

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

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

Aboriginal Archaeology

17. Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before works resumes.
18. Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material

may exist there.

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

Historical Archaeology

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

Salvaged fabric

22. Any heritage fabric removed as part of the adaptation building works should be examined by a heritage consultant and if it is determined appropriate, be tagged and stored in a weathertight repository on the site. Some of the fabric may be suitable for re-use (eg- recycled to repair or replace existing joinery). The removed key/name board is to be relocated within the main entry vestibule on the eastern (front) side.

Conservation Works

23. A Schedule of Conservation Works for the Heffron and Delaney buildings shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted as part of the Section 60 application.
24. The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter.
25. The Schedule of Conservation Works is to include a maintenance plan setting out the frequency of inspections for significant fabric, its recommended life span and appropriate replacement materials.
26. Action Plans should be developed which cover the following works:
 - o Demolition/deconstruction methodology.
 - o Removal and storage of fabric during the demolition process for later reinstatement, or removal from the buildings.
 - o Repair and conservation of original/early render and plasterwork internally
 - o Repair and conservation of all metalwork items both internal and external.
 - o A face brick repair and replacement strategy for the external facades.

Archival recording

27. A photographic archival record of both exteriors and interiors should be prepared in accordance with recommendations of the Godden Mackay Logan Conservation Management Plan for the site in relation to buildings of high significance, prior to any work being commenced. As the building is of State significance, a copy of the archival recording should be lodged with Randwick City Council and the NSW Heritage Office.

Interpretation

28. Interpretation of the former hospital ward buildings is to be implemented in conjunction with the proposed development. Interpretation for the building is to be carried out in accordance with the interpretation strategy for the former Prince Henry site prepared by MUSEscape Pty. Ltd. In particular some surviving photographs and site plans could be installed in the main stair.

Detailed documentation

29. Detailed design resolution and contract documentation for the proposed adaptation works should be prepared in consultation with a heritage consultant so that original elements which are to remain are integrated into the new works in a meaningful way and interpreted so that cultural significance is not lost.
30. Further detailing is to be submitted indicating the extent and detail of retention of internal fabric including joinery and wall finishes and fabric associated with the main stair which is to be retained.
31. Further detailing is to be submitted indicating the extent of original window and door joinery to be retained to the front elevation, including fanlights, and the design of new French doors.
32. Generally new services and fixtures should not be fixed to the original walls and ceilings. Fixings to heritage fabric should be minimal and should be made to floors and to new elements in preference to the original walls and ceilings. The existing riser duct network can be reused and their position should be indicated in the design of new work.

The following conditions are applied to meet the requirements of the Heritage Council of NSW:

33. The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 3 April 2009.

The following conditions are applied to incorporate NSW Police Crime Prevention recommendations:

34. The development must be implemented substantially in accordance with the recommendations as detailed the NSW Police Force letter received by Council on 1 October 2008.

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

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

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

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

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

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

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

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

36. The applicant shall:

- i) Construct heavy-duty concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site in Ewing Avenue ; and
- ii) Remove any redundant vehicular crossings and layback from the site frontages and reinstate the area with concrete footpath, turf and integral kerb and gutter.

The works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4).

37. The applicant shall repair/replace any damaged sections of 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 the footpath and roadway.
38. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate demonstrating compliance with this requirement.
39. The vehicular access, ground level carparking and the basement carpark (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement.
40. 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.

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

41. The design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall match back of footpath along the site frontages in Brodie Avenue, Harvey Street and Ewing Avenue.

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

42. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the Construction Certificate.
43. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$4,622 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Harvey Street. 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:

44. 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.
45. 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.
46. 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.
47. 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.
48. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

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

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

49. 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 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.
50. 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.
51. Stormwater runoff from the site Lots 54 and 55 shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve the major portion of the site discharging to the

underground drainage system in Ewing Avenue via new or existing kerb inlet pits.

52. Any new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
53. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
54. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
55. If required, reflux valves shall be provided (within the site) over the pipelines discharging from the site to ensure that stormwater from the underground drainage system does not surcharge back into the site stormwater system.
56. 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.

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

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

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

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

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

58. Four car washing bays shall be provided for this development.
- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.
 - b) The car washing bays must be located outside any required/approved stormwater detention system.
 - c) The car washing bays must be signposted with '*Exclusive Carwash Bay Use Sat 2:00pm - 5:00pm and Sunday 10:00am - 2:00pm, Visitor parking at other times*'
 - d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bays.
59. 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:
- d) Finished site contours at 0.2 metre intervals;
 - e) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - f) Details of any infiltration/absorption systems; and
 - g) Details of any pumping systems installed (including wet well volumes).
60. 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.
61. As the above site may encounter 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 that 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 seepage water to drain around

the basement carpark (to ensure that the basement will not dam or slow the movement of the seepage water through the development site). Seepage water is not to be collected and discharged from the site

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

62. The garbage rooms serving the buildings should be sized to contain a total of 102 x 240 litre garbage bins (51 garbage bins and 51 recycling 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.
63. Waste management arrangements shall be undertaken in general accordance with the Waste Management Plan (except as amended by any council condition) submitted to Council on 22 February 2009.

NOTE: As chutes are not an acceptable way of waste disposal for recyclables an amended waste management plan shall be submitted to council prior to the issuing of the construction certificate indicating an alternative way of transporting recyclables to the central bin store.

64. A storage area for the golf cart and trailer which are proposed to be used for transporting bins to the kerb frontages shall be clearly indicated on the plans submitted for the construction certificate.
65. Presentation of the bins for collection shall be split approximately evenly among the frontages of Ewing Avenue, Brodie street and Harvey street.
66. 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.
67. The waste storage areas shall be clearly signposted.

The following conditions are applied to protect the remnant native Bushland opposite the site in Harvey Street.

68. There shall no temporary or permanent placement or storage of plant, materials, tools equipment or vehicles, with no foreign matter, including, but not limited to: litter, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc, to be placed or disposed of in, or where it may enter, the area of native bushland opposite the site, on the southern side of Harvey Street.
69. Should a breach of the above condition occur for whatever reason during the course of the works, the applicant will be responsible for repairing/reinstating the bushland to its existing condition, at their cost, and to the satisfaction of Council's Supervisor of Bushland Open Spaces, prior to the issue of a final occupation certificate.
70. Temporary or permanent lighting must not be directed onto/towards the bushland so as to avoid disturbance to native fauna.
71. No species which have been recorded as naturally occurring at the Prince Henry site, or which have the capacity to escape planted areas and invade the adjoining bushland shall be used during the landscaping, either during the course of the proposed works, or at any time in the future.

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

72. A Survey Plan consolidating Lots 54 & 55 shall be registered prior to the endorsement of the Strata Plans.
73. Prior to the issuing of a construction certificate the applicant shall submit to Council amended draft strata plans reflecting the building approved in this development consent.
74. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

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

75. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed prior to the issue of a strata certificate.
76. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and the construction certificate for the building.
77. Prior to the endorsement of the strata plans, all facilities required under this development consent (such as parking spaces, terraces and courtyards) must be provided in accordance with the relevant requirements
78. The applicant shall create suitable rights of carriageway and easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
79. All roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.
80. The applicant shall provide Council with the finalised strata subdivision plans of the property prior to their endorsement.
81. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier prior to the issuing of a subdivision certificate.

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

82. Landscaping at the site shall be installed substantially in accordance with the Plans by Edaw, drawing numbers L-101 – 104, L-0104A – B, L-015 – 107, issue B, dated 16.07.08, and stamped 28th June 2008, subject to the following additional requirements being shown on amended plans, which shall be

submitted to, and be approved by, the PCA, prior to the issue of a construction certificate (with a copy to be forwarded to Council if not the PCA, prior to the commencement of site works), and shall include:

- a. A clear indication of exactly what is to be planted where, and the quantities proposed;
 - b. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm (1200mm for trees as has been shown), with lawn areas to have a minimum soil depth of 300mm;
 - c. 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;
83. Any part of Council's footway which is damaged as a result of the 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, and must be completed prior to the issue of a Final Occupation Certificate, with the applicant responsible maintaining this public area, including but not limited to, watering, mowing, fertilising, and the removal of weeds.
84. 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.
85. 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.
86. In order to compliance with the above condition, certification from a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILA or AILDm) shall be submitted to the PCA (and Council, if not the PCA), prior to the issuing of a final occupation certificate which confirms that the landscaping has been completed in accordance with the approved plans and relevant conditions of consent.

Tree Management

87. Approval is granted for removal of the following trees, subject to retaining the other trees listed for preservation at the site (refer Tree Protection Measures below), together with full implementation of the approved landscape plans:
- a) Two *Banksia integrifolia* (Coastal Banksia's), on the eastern side of the main entrance of the Heffron Building, as well as the row of six trees of the same species against the western half of the Delaney Building, due to their declining condition, and to accommodate the Landscape Design philosophy of providing only very minimal landscape treatment in these areas so as to increase views both to and from the Heritage significant buildings;
 - b) One *Allocasurina torulosa* (Forest Oak), close to the northwest corner of the Delaney Building to accommodate the proposed works as shown.
88. Permission is granted for the selective and minimal pruning of only those branches from the two trees listed for retention (refer Tree Protection measures below), where it is needed so as to improve their health, form or structure, or in order to avoid damage/conflict during the course of the works.

89. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Tree Protection Measures

90. In order to ensure retention of the two existing *Banksia integrifolia* (Coastal *Banksia*'s) at the site, being one beyond the northeast corner of the Heffron Building, at the corner of Brodie Avenue and Fleming Street, and one just to the east of the Delaney Building entry 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 their retention, with the position of their trunks, and full diameter of their canopies clearly shown on all drawings.
 - b. All detailed documentation shall also show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a distance of 3 metres off the outside edge of their trunks, beneath the extent of either of their driplines.
 - c. Should the existing heritage retaining wall, near the northeast corner of the Heffron Building, need to be repaired or reconstructed, the applicant must ensure that suitable shoring is provided between the wall and the tree, in order to prevent collapse of the soil profile, and subsequent disturbance to the root system.
 - d. Both trees shall be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 2 metres off the outside edge of each of their trunks, on all four sides, so as to completely enclose them for the duration of the works.
 - e. 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".
 - f. Within these zones 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.
 - g. Any excavations required for footings, structures, retaining walls, services, pipes, detention tanks, stormwater infiltration systems, paving etc within a distance of 3 metres off their trunks shall initially be undertaken by hand, to a minimum depth of 600mm, with any roots encountered to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
91. In order to also ensure that the 31 existing street trees surrounding the site are retained, comprising on the Brodie Avenue frontage, from east to west, one *Eucalyptus* species (Gum Tree), on each side of the pram ramp, near the eastern boundary, then further to their west, a row of four *Banksia integrifolia*

(Coastal Banksia's) adjacent the car parking bay, and another two Gums on the corner of Harvey Street; then along Harvey Street, a total of 15 Gums, being nine from the corner of Brodie Avenue to the northern side of the vehicle crossing, and six on its southern side, extending to the corner of Ewing Avenue; and then on Ewing Avenue, at the corner of Harvey Street, one Gum tree on either side of the pram ramp, then extending further to the east, four Banksia's and another two Gums, near the eastern boundary, in good health, the following measures are to be undertaken:

- a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application must show their retention with the position of each tree to be clearly shown.
- b. The applicant is not authorised to perform any works to these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning, relocation, removal or any similar such work appear necessary, with the applicant required to cover all associated costs, to Council's satisfaction, prior to the issue of a final occupation certificate.
- c. There shall 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 on the footpath/nature strip area, near these trees.

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

92. 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.

93. 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 (BCA).

94. 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.

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

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

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

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

96. 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.

97. A sign must be erected and maintained in a prominent position on the site, 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".
98. 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.

99. Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority (or other suitably qualified person), 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.

100. 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 any relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council prior to commencement of works.

101. 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.

102. 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.

103. The buildings are required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of

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

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

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

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

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

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

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

105. 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.

106. 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.

107. 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**.

108. 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 and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.**
109. 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 the structural adequacy of the building and compliance with the relevant structural 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:

110. 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.

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

Notes

- *This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out*

upon any adjoining or supported land, the principal contractor or owner-builder must obtain:

- a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b) an access order under the Access to Neighbouring Land Act 2000, or
- c) an easement under section 88K of the Conveyancing Act 1919, or
- d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.

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

112. 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.

113. 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.

114. 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.

115. Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

- a) A construction noise and vibration minimisation strategy, prepared by a suitably qualified person is to be implemented throughout the works, to the satisfaction of Council and the Principal Certifying Authority (PCA).

- b) **Prior to commencing works**, a report prepared by a suitably qualified and experienced consultant detailing noise and vibration from all building and construction works, must be submitted to Council and the Principal Certifying Authority.

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

- c) A further report/correspondence must be obtained from the consultant as soon as practicable **upon the commencement of works**, which reviews and confirms the implementation and suitability of the noise and vibration strategies and compliance with relevant criteria.
 - d) Any recommendations and requirements contained in the strategy and report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.
 - e) Copies of the strategies and acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.
116. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, 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.
117. A **Road/Asset Opening Permit** must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.
- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, **prior to the issuing of a final occupation certificate** for the development.
- For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.
118. 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.
119. 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 Building Certification Services section.
120. 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.

121. 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 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.

122. A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

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

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

123. 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.
- Landscaping and revegetation of disturbed areas.

124. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the current 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 *site management plan* which must be submitted to the Principal Certifying Authority and Council **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 plan 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.

125. 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.

126. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

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

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

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

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

127. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies and conditions, including:

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

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

128. 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 (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.

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

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

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

130. Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and conditions of consent, 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 maintain reasonable levels of environmental amenity and public health safety.

131. A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. An "Unexpected Finds Protocol" forms part of these documents and shall be complied with as part of this consent. Copies of the SAS and Unexpected Finds Protocol shall be included in all leases and sales contracts.
132. The builders, site workers and the Principal Certifying Authority for this development are to be made aware of this unexpected finds protocol and its requirements prior to any works commencing.
133. Details of any unexpected finds, including the details of any investigation procedures, remedial actions and validation undertaken shall be forwarded to the Council accordingly.
134. 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'.
135. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
136. 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:

137. 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 & Climate Change Noise Control Guidelines.

138. 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.
139. 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 from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

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:

140. The applicant is to engage the services of a suitably qualified environmental consultant (or similar) to respond to enquiries and complaints made by the community, the general public or Council in relation to Noise, Contamination, remediation, excavation and construction site management matters.
141. A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number). A complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to these enquiries and complaints. This register shall be made available to council officers upon a reasonable request.
142. The use and operation of the plant and equipment within the buildings 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.

Advisory Conditions

1. 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/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP30/09 Director City Planning Report - Review of the Swimming Pools Act 1992 (F2004/06353)

144/09

RESOLUTION: (Andrews/White) that:

- a) the report be received and noted;
- b) Council prepare a submission to the Department of Local Government on the Act Review and Options Paper; and
- c) upon completion of the current review of the *Swimming Pools Act 1992*, being undertaken by the Department of Local Government a report be prepared for Council outlining the following matters:
 - i. the results of the Department of Local Government's review of the

Swimming Pools Act 1992, including a summary of any resulting legislative amendments; and

- ii. details of the options (including pool covers) and the mandatory responsibilities of Council with respect to swimming pool safety compliance under the relevant legislation.

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

CP31/09 Director City Planning Report - S.54 Report 131 Alison Road, Randwick - Randwick Labor Club - Proposed Spot Rezoning (F2007/00608)

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

145/09 **RESOLUTION: (Nash/Smith)** that Council:

- a) resolve under section 54 of the Environmental Planning and Assessment Act 1979, **not** to prepare a draft Local Environmental Plan for 131 Alison Road, Randwick to be used for the additional use of Club;
- b) note that the site should be investigated as part of a review of the entire block under the Comprehensive LEP currently being prepared by Council; and
- c) advise the applicant of Council's decision.

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

CP32/09 Director City Planning Report - Draft Centres Policy - Planning for retail and commercial development (F2009/00143)

146/09 **RESOLUTION: (Andrews/Matson)** that:

- a) the report be received and noted; and
- b) the attached submission be forwarded to the Department of Planning in response to the public exhibition of the Draft Centres Policy – Planning for Retail and Commercial Development – Consultation draft.

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

General Manager's Reports

GM21/09 General Manager's Report - Affixing of the Council Seal (F2004/07593)

147/09 **RESOLUTION: (Andrews/Matson)** that the Council's Seal be affixed to the signing of agreements between Council and:

1. A residential tenant in relation to a residential tenancy agreement for 4/32 Belmore Road, Randwick.
2. A residential tenant in relation to a residential tenancy agreement for 3/32 Belmore Road, Randwick.
3. A residential tenant in relation to a residential tenancy agreement for 1/6 Barrett Place, Randwick.
4. New South Wales Handball in relation to a licence for use of Handball Courts at Part, Heffron Park, 417-439R Bunnerong Road, Maroubra.
5. Randwick Netball Association Incorporation in relation to a licence for the use of the Netball Control Centre at Part, Heffron Park, 417-439R Bunnerong Road,

- Maroubra
6. A residential tenant in relation to a residential tenancy agreement for 4/20 Silver Street, Randwick.
 7. A residential tenant in relation to a residential tenancy agreement for 6/20 Silver Street, Randwick.
 8. Claire Kazzi (T/As Salt & Lemon) in relation to a licence for the purpose of outdoor dining at 76 Clovelly Rd, Randwick.
 9. Rodney Sen (T/As Barzura Café) in relation to a licence for the purpose of outdoor dining at 62 Carr Street, Coogee.
 10. Surfing New South Wales in relation to a licence for the occupation of Level 1, Maroubra Beach Pavilion, 3R Marine Parade, Maroubra.
 11. Randwick Open Care for Kids Inc in relation to a licence for the occupation of 30-32 Waratah Street, Randwick.

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

GM22/09 General Manager's Report - Randwick City Council Quarterly Report - March 2009 (F2007/00620)

148/09 **RESOLUTION: (Andrews/Matson)** that the information contained in the March 2009 Quarterly Review of the 2008-12 Management Plan be received and noted.

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

Director City Services Reports

CS12/09 Director City Services Report - Herbert Street, Malabar - Street Improvements (F2007/00152)

149/09 **RESOLUTION: (Belleli/White)** that the report on Herbert Street, Malabar - Street Improvements Project be received and noted.

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

Director Governance & Financial Services Reports

GF20/09 Director Governance & Financial Services Report - Investment Report - April 2009 (F2004/06527)

150/09 **RESOLUTION: (Andrews/Matson)** that the investment report for April 2009 be received and noted.

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

GF21/09 Director Governance & Financial Services Report - 2008-09 Budget Review as at 31 March 2009 (F2008/00087)

151/09 **RESOLUTION: (Andrews/Matson)** that:

- a) the report in relation to the March 2009 budget review be received and noted; and
- b) the proposed March 2009 budget variations shown in Attachment 3 to this report be adopted.

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

GF22/09 Director Governance & Financial Services Report - Councillors Expenses & Facilities Policy - results of public exhibition (F2004/06576)

152/09

RESOLUTION: (Andrews/Matson) that:

- a) it be noted that there were no submissions received as a result of the public exhibition of the revised Councillors' Expenses & Facilities Policy.
- b) the revised Councillors' Expenses & Facilities Policy be adopted for immediate implementation.

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

Nil

Motion Pursuant to Notice**NM24/09 Motion Pursuant to Notice from Councillor Matson - Negative reaction to Future Music Festival event (DA/694/2008)**

153/09

RESOLUTION: (Andrews/White) that:

- a) Council receives and notes the email from Mr Martin Faulkner (dated 25 march 2009) containing his assessment of how this year's Future Music festival impacted negatively on the amenity of residents of the local area and resolves to bring it to the attention of the organizers of the event; and
- b) The following documents in relation to this matter, be accepted as tabled:
 - i) article published in the Southern Courier on 2 March 2009 titled 'Future looks brighter';
 - ii) Future Music festival debrief notes dated 9 May 2009; and
 - iii) Briefing document from Council's Coordinator Environmental Health to Future Events Pty Ltd dated 12 May 2009.

MOTION: (Matson/Woodsmith) that Council receives and notes the email from Mr Martin Faulkner (dated 25 march 2009) containing his assessment of how this year's Future Music festival impacted negatively on the amenity of residents of the local area and resolves to:

- a) Bring it to the attention of the organizers of the event; and
- b) Retain it for evidence should a future event of this nature become a Land and Environment Court matter; and
- c) Take it into consideration when assessing future Development Applications for similar events from the same applicants.

AMENDMENT: (Andrews/White) CARRIED AND BECAME THE MOTION.

Crs Matson and Woodsmith called for a DIVISION

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

FOR	AGAINST
Councillor Andrews	Councillor Hughes
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Woodsmith
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	

Councillor Seng
 Councillor Smith
 Councillor Tracey
 Councillor White
Total (10)

Total (3)

MOTION (Andrews/White) CARRIED – SEE RESOLUTION.

NM25/09 Motion Pursuant to Notice from Councillor Tracey - Proposed renaming of High Street, Randwick (F2004/07140)

154/09

RESOLUTION: (Tracey/ Bowen) that Council explore the possibility of renaming High Street, Randwick or part thereof, as University Street, Randwick.

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

NM26/09 Motion Pursuant to Notice from Councillors Bowen and Seng - Donation to Randwick Petersham Cricket Club (F2004/07396)

155/09

RESOLUTION: (Bowen/Seng) at Council make a one off donation in the amount of \$2,000 to the Randwick Petersham Cricket Club in acknowledgement of its valuable contribution to the promotion of sport in our community and to provide support during this time of economic hardship.

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

NM27/09 Motion Pursuant to Notice from Councillor Matson - Federal Government's Carbon Pollution Reduction Scheme (F2006/00626)

156/09

RESOLUTION: (Matson/Hughes) that Council writes to the Primer Minister requesting a more ambitious target than the 5% Carbon Polluters Reduction Scheme target proposed and urges the Government to lift the target to 40% by 2020 in the event of a strong agreement at Copenhagen.

MOTION: (Matson/Hughes) that Council writes to the Primer Minister stating that its residents and ratepayers will suffer in the long term under a 5% Carbon Polluters Reduction Scheme target and urges that the Government:

- (a) Unconditionally adopt a pre-Copenhagen meeting target of at least 25% by 2020 regardless of global action;
- (b) Lift this target to 40% by 2020 in the event of a strong agreement at Copenhagen;
- (c) Adopt additional substantial changes to the design of its Emissions Trading Scheme including:
 - i. removal of compensation to polluters;
 - ii. inclusion of savings that could be made by halting native forest and woodland destruction;
 - iii. no compensation for existing electricity generators;
 - iv. inclusion of transport fuel in the scheme;
 - v. mechanisms to include voluntary abatement in the scheme; and
 - vi. mechanisms to increase transparency and accountability of the scheme.
- (d) provide more funds for renewable technologies.

AMENDMENT: (Bowen/White) that Council writes to the Primer Minister requesting a more ambitious target than the 5% Carbon Polluters Reduction Scheme target proposed.

AMENDMENT: (Bowen/White) CARRIED AND BECAME THE MOTION.

AMENDMENT: (Matson/Hughes) CARRIED AND BECAME THE MOTION.

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

**NM28/09 Motion Pursuant to Notice from Councillor Matson - Climate
Emergency Rally on Saturday 13 June 2009 (F2007/00474)**

157/09

RESOLUTION: (Matson/Tracey) that, as part of Council's World Environment Day preparations, Council will:

- a) help promote the National Climate Emergency Rally for Saturday 13 June 2009 by promoting it on the Council website;
- b) give the rally organisers permission to put up posters and flyers in council facilities such as libraries, child care centres and Des Renford Aquatic Centre;
- c) authorise interested Councillors to represent the Council by marching in the rally under a banner that reads – Randwick City Councillors;
- d) erect a banner in the council area that reads – Randwick City Council supports the National Climate Emergency Rally on Saturday 13 June 2009; and
- e) issue a media release noting Council's support for the rally and promote the rally with leaflets and other appropriate means at Council's World Environment Day events.

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

Crs matson and Tracey called for a **DIVISION**.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Nash
Councillor Procopiadis	Councillor Notley-Smith
Councillor Tracey	Councillor Seng
Councillor White	Councillor Smith
Councillor Woodsmith	
Total (7)	Total (6)

**NM29/09 Motion Pursuant to Notice from Councillor Matson - Unauthorized
pathway off Argyle Crescent in Randwick Environment Park
(F2004/08424)**

158/09

RESOLUTION: (Matson/Hughes) that Council;

- a) immediately draws to the Department of Defence's attention that the Randwick Environment Park consent/Deed of Agreement does not authorise a pedestrian pathway or walkway running along the northern edge of Lot 15 between the bike path and the emergency pedestrian gate indicated on Landscape Setout Plan South and seeks clarification as to what type of egress will be utilised from the indicated fire gate at the north western corner immediately above Lot 15;

- b) notes that the draft Randwick Environmental Park Plan of Management requires the Department of Defence to stop using and to remove the current truck/work entrance on Argyle Crescent;
- d) write to the Moverly Precinct Committee detailing;
 - i) when the "Traffic Management Plan for Spoil North of Lot 15 Argyle Crescent" was drafted; and
 - ii) detailing the consent details covering the indicated fire gate at the north western corner above Lot 15.
- e) notes that the restoration of bushland above Lot 15 will be covered by the draft Randwick Environmental Park draft Plan of Management
- f) notes that the gates indicated above the north western and north eastern corner of Lot 15 are to be kept locked with access available to the appropriate authorities.

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

NM30/09 Motion Pursuant to Notice from Councillor Matson - Revegetation of Randwick Environment Park (F2004/08424)

- 159/09 **RESOLUTION: (Matson/Andrews)** that Council will bring a report forward to the Greening Randwick Committee detailing ongoing and future plans for landscaping and bushland regeneration on the Randwick Environment Park site.

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

NM31/09 Motion Pursuant to Notice from Councillor Smith - Burrows Park Amenities Building (F2006/00558)

- 160/09 **RESOLUTION: (Smith/Nash)** that the amenities building at Burrows Park be locked overnight.

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

NM32/09 Motion Pursuant to Notice from Councillor Smith - Clovelly Beach Signage (F2004/08153)

- 161/09 **RESOLUTION: (Smith/Andrews)** that:
- a) Council note that the installation of new multi-message signposts around Clovelly Beach has made older signage both superfluous and redundant; and
 - b) Council expeditiously remove superfluous and redundant signage.

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

NM33/09 Motion Pursuant to Notice from Councillor Smith - Cook Street Footpath (F2004/07373)

- 162/09 **RESOLUTION: (Smith/Belleli)** that funding for the repair/replacement of the footpath on the western side of Cook Street, between Cowper Street and Frances Street be considered in conjunction with a future budget.

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

NM34/09 Motion Pursuant to Notice from Councillor Smith - Cricket Nets in North & East Wards (F2004/07850)

- 163/09 **RESOLUTION: (Smith/Andrews)** that:
- a) Council officers report on the provision of cricket nets within North and East Wards;
 - b) Council explore possible sites within the stated wards where construction of cricket nets would be viable; and
 - c) the cost of constructing and maintaining cricket nets be reported back to Council.
- MOTION: (Smith/Andrews) CARRIED - SEE RESOLUTION.**
- NM35/09 Motion Pursuant to Notice from Councillor Smith - Footpath Dining and Trading DCP (F2004/07507)**
-
- 164/09 **RESOLUTION: (Smith/Woodsmith)** that the Director of City Planning report to Council on the feasibility of amending the Randwick City Council Footpath Dining and Trading DCP so that all future outdoor seating applications and renewals of 11 or more seats provide a minimum of 50% of outdoor seating as non-smoking.
- MOTION: (Smith/Woodsmith) CARRIED - SEE RESOLUTION.**
- NM36/09 Motion Pursuant to Notice from Councillor Smith - Media Releases to Councillors (F2004/06251)**
-
- 165/09 **RESOLUTION: (Smith/Andrews)** that:
- a) a copy of all press releases authorised by the General Manager and Mayor, be provided to Councillors, via e-mail, at the time they are issued.
 - b) a report of any media interview or media comment provided by a member of Council and authorised by the General Manager and Mayor, be sent to Councillors via e-mail that same day.
- MOTION: (Smith/Andrews) CARRIED - SEE RESOLUTION.**
- NM37/09 Motion Pursuant to Notice from Councillor Smith - Proposal for King Street Rubbish Bins (F2004/06200)**
-
- 166/09 **RESOLUTION: (Smith/Belleli)** that Council install a rubbish bin outside the King Street pedestrian entrances into both the Randwick College of the Sydney Institute of TAFE and the Randwick Campus of UNSW.
- MOTION: (Smith/Belleli) CARRIED - SEE RESOLUTION.**
- NM38/09 Motion Pursuant to Notice from Councillor Smith - Surface of Ashby Lane (F2004/06153)**
-
- 167/09 **RESOLUTION: (Smith/Woodsmith)** that funding for repair/replacement of the road surface of Ashby Lane, Randwick be considered in conjunction with a future budget.
- MOTION: (Smith/Woodsmith) CARRIED - SEE RESOLUTION.**

Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

**CP33/09 Confidential - Voluntary Planning Agreements (VPA)
(F2006/00093)**

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

168/09 **RESOLUTION: (Andrews/Matson)** that the delegated Council officers continue to negotiate Voluntary Planning Agreements that provide for monetary contributions towards townscape improvements in lieu of providing carparking on development sites within Council's town centres.

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

GM23/09 Risk Management Section - Organisational Review (F2004/06916)

This matter is considered to be confidential under Section 10A(2)(a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

169/09 **RESOLUTION: (Andrews/Woodsmith)** that:

- a) the position of Manager Risk Services be removed from Council's organisational structure;
- b) a report be brought to Council on the integrated risk management framework and the planned program to develop risk management skills across the organisation and create a strong 'risk aware' culture.

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

**GF23/09 Confidential - Councils Online (COL) Progress Report
(F2005/00740)**

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.

170/09 **RESOLUTION: (Andrews/Matson)** that Randwick City Council continues as part of the COL Syndicate until the end of the contract but commences the process of moving away from the Oracle suite of applications by implementing Option 2, replacing the Oracle HRMS/Payroll applications. This option will prepare Council for the post contract process of moving from the Oracle suite of corporate applications to an alternative which can be hosted and supported in-house.

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

GF24/09 Confidential - SSROC Tender for the Supply and Delivery of Copy Paper (F2008/00560)

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.

171/09 **RESOLUTION: (Andrews/Matson)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Complete Office Supplies and Fuji Xerox Australia Pty Ltd be accepted as the successful tenderers;
- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Complete Office Supplies and Fuji Xerox Australia Pty Ltd for a period of two years, with an optional one year extension; and
- c) where practicable, preference be given to recycled paper sourced from post-consumer waste, in accordance with the ranking shown in Table Three.

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

Open Session

That the meeting move back into open session.

Notices of Rescission Motions

Note: A rescission motion was submitted in relation to Item CP29/09 (155-157 Arden Street, Coogee) and will be considered at the Planning Committee meeting to be held on 9 June 2009.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 10.38pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 June 2009.

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CHAIRPERSON