



**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 23 JUNE 2009 AT 6:02 PM.**

Present:

Councillor M. Woodsmith (Chairperson) (North Ward)

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

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Acting Manager Development Assessment	Mr R Quinton
Communications Manager	Ms D Brien
Manager Performance Improvement	Ms K Walshaw
Manager Information Technology	Mr G Curley

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Procopiadis. The Acknowledgement of Local Indigenous People was read by Cr Belleli.

Apologies/Granting of Leave of Absences

An apology was received from the Mayor, Cr Notley-Smith.

RESOLVED: (Matson/Nash) that the apology received from the Mayor, Cr Notley-Smith 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 26 MAY 2009

172/09

RESOLUTION: (Belleli/Nash) that the Minutes of the Ordinary Council Meeting held on Tuesday 26 May 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 (a) under the 'Declarations of Pecuniary and Non-Pecuniary Interests' section (page 2 of the Minutes) being amended to read as follows
 - a) Cr Tracey declared a non significant non pecuniary interest in Item CP28/09 as he knows both the objectors and supporters.
- All councillors declaring a non significant non pecuniary interest in Item CP28/09 did so because they know one of the supporters, not one of the objectors.
- Item (m) under the 'Declarations of Pecuniary and Non-Pecuniary Interests' section (page 3 of the Minutes) being amended to read as follows
 - 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.
- Item NM28/09 (on page 96 of the minutes) recording Cr Notley-Smith as having voted against the resolution (not for it).

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Tracey declared a non-significant non-pecuniary interest in Item CP34/09 as he knows the applicant and some of the objectors.
- b) Cr Tracey declared a non-significant non-pecuniary interest in Item CP35/09 as he knows the applicant and some of the objectors.
- c) Cr Tracey declared a non-significant non-pecuniary interest in Item CP36/09 as he knows the applicant and some of the objectors.
- d) Cr Andrews declared a non-significant non-pecuniary interest in Item NM41/09 as he works for the Police Association.

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:

CP34/09 3 FREDERICK STREET, COOGEE

Against David Matthews

For Peter Moysidis (on behalf of the applicant)

CP35/09 2-40 GUMARA STREET, RANDWICK

For Anthony Betros (on behalf of the applicant)

CP36/09 66 GUBBUTEH ROAD, LITTLE BAY

Against Corrado Palleschi (on behalf of the objector)

For Genevieve Slattery (on behalf of the applicant)

NM41/09 MOTION PURSUANT TO NOTICE FROM CR ANDREWS - PROPOSED CLOSURE OF MALABAR POLICE STATION

For Carlos De Rocha

NM44/09 MOTION PURSUANT TO NOTICE FROM CR MATSON – ADDITION OF SPECIFIC OBJECTIVES TO COUNCIL’S DEVELOPMENT STANDARDS

For Dr John Buchanan

The meeting was adjourned at 6.50pm and was resumed at 7.03 pm.

Mayoral Minutes

Nil.

Urgent Business

Nil.

Procedural Motion

RESOLVED: (Belleli/Matson) that the three (3) petitions and the matters which were the subject of addresses by members of the public be brought forward and considered as the first items of business.

Director City Planning Reports

CP34/09 Director City Planning Report - 3 Frederick Street, Coogee (DA/249/2009)

173/09

RESOLUTION: (Andrews/White) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No 249/2009 for demolition of existing garage, construction of new garage to rear of existing dwelling, ground level alterations and additions to dwelling and construction of deck at rear of the site at 3 Frederick Street, Coogee subject to the following conditions.

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

1. The development must be implemented substantially in accordance with the plans numbered DA-100A, DA-101A, DA-102A, DA-103A, DA-104A & DA-105A, dated March 2009 and received by Council on the 27th 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. The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.
3. The design, materials and colour of the roofing to the proposed building/s are required to match, as closely as possible, the existing roof.

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

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

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

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

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

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

5. 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.

6. 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.

7. 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)

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

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

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:

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

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

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

10. 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:

11. 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.

12. **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.

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

14. **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*.

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

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

prior to commencement of works.

18. 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.

19. 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.

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

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

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

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

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

- Occupational Health and Safety Act 2000 & Regulations
- WorkCover NSW Guidelines & Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
- Relevant DECC/EPA Guidelines
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

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

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

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

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

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

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 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.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority immediately upon completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

copy can be obtained from Council's Customer Service Centre.

24. 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.

25. 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.

26. 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.

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

all times.

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

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

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

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

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

29. A Construction Site Management Plan is to be developed and implemented **prior to the commencement of any works.** The site management plan must include the following measures, as applicable to the type of development:

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

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

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

to the satisfaction of Council.

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

31. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - b. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
 - c. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
 - d. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

ADVISORY MATTERS:

- A1 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

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

- A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip (greater than 3m in length) or any container or other article.

- A3 Specific details of the location of the building/s should be provided in the

Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.

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

AMENDMENT: (Matson/Hughes) that the application be deferred to allow the objector to view and comment on the plans and to enable them to obtain legal advice in relation to the Boundary Fences Act. **LOST.**

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

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

**CP35/09 Director City Planning Report - 2-40 Gumara Street, Randwick
(DA/187/2009)**

174/09

RESOLUTION: (Andrews/Nash) -

- A. That Council support the objection under State Environmental Planning No. 1 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 wall 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/187/2009 for Stage 2 development application for construction of 27 terrace houses with basement car parking for 54 vehicles and basement storage/utility rooms; and two residential flat buildings (comprising one 3 storey building and one part 4/part 5 storey building) both containing a total of 29 dwelling units (11 x 1 bedroom, 10 x 2 bedroom and 8 x 3 bedroom) with semi basement car parking for 38 vehicles, basement gym and associated site works at 2-40 Gumara Street, Randwick, subject to the following conditions:-

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

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

plans/diagrams numbered A-001 Revision 4, A-101 Revision 13, A-200 Revision 16, A-201 Revision 18, A-202 Revision 12, A-203 Revision 12, A-204 Revision 11, A-205 Revision 11, A-206 Revision 11, A-207 Revision 11, A-208 Revision 6, A-209 Revision 6, A-210 Revision 15, A-211 Revision 17, A-212 Revision 16, A-213 Revision 11, A-214 Revision 16, A-215 Revision 11, A-216 Revision 7, A-301 Revision 12, A-302 Revision 12, A-303 Revision 13, A-304 Revision 12, A-305 Revision 13, A-306 Revision 11, A-307 Revision 11, A-308 Revision 13, A-350 Revision 15, A-351 Revision 17, A-352 Revision 15, A-353 Revision 14, A-354 Revision 13, stamped received by Council on 15 May 2009, and the application form, and on any supporting information received with the application, except as may be amended by the following conditions and/or as may be shown in red on the attached plans:

2. Details of the external colours, materials, textures and finishes of the proposal in the form of a comprehensive sample board linked and coded to a coloured elevation and/or street perspective shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
3. 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.
4. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development. In this regard, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, prior to issue of the Occupation Certificate.
5. There must be no encroachment of the structures including eaves, gutters, hoods and similar structures or attachments onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.
6. Details of bicycle storage in the basement of the terrace and apartment blocks indicating compliance with the Development Control Plan – Parking shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
7. The proposed provision of 92 carspaces shall be allocated to individual dwelling units in accordance with appropriate dwelling sizes (defined by number of bedrooms), and to visitors, as required in the DCP – Parking. 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. Each of the tandem carparking spaces shall be allocated to the same 2 or 3 bedroom unit.
9. 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.

10. 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.
11. 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.
12. The eastern building wall adjacent to the vehicular crossing to the carpark of the proposed residential flat buildings (in Lot 26) shall be relocated/setback to provide satisfactory sight lines to Gumara Street. 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.
13. Details of all proposed recycled water systems including rainwater tanks and greywater systems provided in class 2 to 9 developments, indicating compliance with the relevant requirements and guidelines of the NSW Department of Water & Energy and NSW Department of Health, 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.
14. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
15. An excavation, piling and construction traffic management plan showing the measures that will be employed to ensure that all construction traffic uses only Bundock Street to access the subject site and not residential streets in the locality 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.
16. The applicant shall conduct a traffic safety analysis for the stretch of Bundock Street which fronts the subject site and submit the traffic safety analysis 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. Any measures identified by the analysis to ensure the safety of pedestrian, traffic and residents, and approved by Council's Traffic Committee, shall be installed by the applicant at no cost to Council.
17. 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 applicant must liaise with Energy Australia to determine whether or not an electricity substation is required for the development. The proposed location and elevation of any required electricity sub-station shall be shown on all detailed site and landscape drawings and specifications and 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.

18. 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.
19. 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.

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

21. Any new information which comes to light during demolition and 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.
22. 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 are applied to provide adequate security against damage to Council's infrastructure:

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

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

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

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and

- Completion of the civil works as conditioned in this development consent by Council.

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

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

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

24. 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 three full width concrete heavy duty vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.
 - b. Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c. Construct a minimum 1.5 metre wide concrete footpath along the full Gumara Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - d. Construct a concrete footpath along the full Bundock Street site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - e. Construct the topcoat wearing course for that section of Gumara Street fronting the development site.
 - f. Install street trees along the Bundock Street and Gumara Street site frontages. The street tree species, location and specification for the tree surrounds, (in particular the specification for any trees within the Gumara Street pavement), shall be to Council's satisfaction.
 - g. Construct a footpath through the development site and within sections of Bundock Street and Gumara Street, linking the new/proposed Bundock Street footpath with the Gumara Street footpath. Suitable easements for access must be created by the applicant over the footpath prior to the issuing of an Occupation Certificate.
 - h. Install safety measures in Bundock Street, (including any safety barriers), as determined necessary by Council's Manager Integrated Transport to minimize the potential for vehicle / pedestrian conflict. Particular emphasis will be placed on the section of Bundock Street adjacent to the north-east corner of the development site, (i.e. on the existing bend in Bundock Street).
25. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council to design a concrete median in Bundock Street, at the intersection of Bundock Street and Hendy Avenue. The concrete median must restrict north bound traffic in Hendy Avenue, (south of Bundock Street), from turning right into Bundock Street or travelling straight into Hendy Avenue, north of Bundock Street. The applicant is advised that Council is also considering the option of using the median to restrict right turn movements

into Hendy Avenue from Bundock Street for eastbound vehicles.

26. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to construct the above referenced concrete median in Bundock Street, at the intersection of Hendy Avenue.
27. 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.
28. 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.
29. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

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

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

30. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
31. The driveway opening at the Gumara Street frontage for the proposed development within 2-20 Gumara Street must be a minimum of 5.5 metres wide and located at least 1.5 metres clear of the side property. The internal driveway and carpark area must be designed for 2 way traffic movements. The carpark area (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.
32. The driveway opening at the Gumara Street frontage for the proposed development within 22-30 Gumara Street must be a minimum of 5.5 metres wide and located at least 1.5 metres clear of the side property. The internal driveway and carpark area must be designed for 2 way traffic movements. The carpark area (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.

33. The driveway opening at the Gumara Street frontage for the proposed development within 32-40 Gumara Street must be a minimum of 5.5 metres wide and located at least 1.5 metres clear of the side property. The internal driveway and carpark area must be designed for 2 way traffic movements. The carpark area (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.
34. A Works Zone/s is to be provided in Bundock Street and/or Gumara Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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

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

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

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

36. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Gumara Street property boundary for driveways, access ramps and pathways or the like, shall generally be:
- 2.5% above the top of the kerb level at all points opposite the kerb, along the full Gumara Street site frontage.

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

37. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the Bundock Street property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
38. The design alignment level at the Bundock Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator prior to lodgement of the Construction Certificate Application.

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department. The design alignment level at the property boundary must be strictly adhered to.

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

40. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$7710 calculated at \$44.00 (inclusive of GST) per metre of site frontage to Gumara Street. This amount is to be paid prior to a construction certificate being issued for the development.
41. 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 the proposed footpath construction at this location.

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

42. 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.
43. 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.
44. 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.
45. 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.
46. 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:

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

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
48. 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.
49. All site stormwater must be discharged (by gravity) to the underground drainage system in Gumara Street, via a new and/or existing kerb inlet pit.
- Note: All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
50. 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.
51. The internal stormwater drainage system must be suitably designed such that stormwater discharge from the development site for all storms up to the 1 in 100 year ARI event does not exceed that which would occur for the 1 in 20

year ARI event. The Construction Certificate plans/application must demonstrate compliance with this requirement. The applicant must liaise with Council's Development Engineer Coordinator regarding the design of this system prior to lodging the construction certificate.

NOTE:

- a) Restricting site discharge to the 1 in 20 year ARI event for all storms up to the 1 in 100 year ARI event is likely to require the provision of a suitably designed onsite stormwater detention system or an infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

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

53. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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

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

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

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

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

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

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

55. One covered car washing bay shall be provided for this development. Any Construction Certificate Application should identify the proposed car wash bay:
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
 - b) The car washing bay must be located outside any required/approved stormwater detention system.
 - c) The car washing bay may be located within the visitor parking spaces provided they are signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'
 - d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay.
56. 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 inspect ion/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
57. Subject to there being an onsite detention/infiltration system constructed within the site, and prior to the issuing of an Occupation Certificate, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property. The "restriction on the use of land" and "positive covenant" are required to ensure that any onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
58. Should groundwater/seepage water or the water table be encountered 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). Seepage water must not be collected and drained from the site.
- c) Sufficient geotechnical details must be submitted with the Stage 2 application for Council to determine if groundwater/seepage water or the water table is likely to be encountered when excavating for the basement carpark.

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

59. Prior to the issuing of a Construction Certificate the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste. A concept waste management plan must be submitted with any Stage 2 Development Application.

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

60. Prior to the issuing of a Construction Certificate detailed landscape drawings and specifications must be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

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

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

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for

all accent and groundcovers.

- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
 - d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
 - e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.
 - h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
 - i. Location of easements within the site and upon adjacent sites (if any).
61. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final Occupation Certificate and shall be maintained in accordance with those plans.

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

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

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

63. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater

infiltration devices being 600mm below the finished ground level of the landscaped areas.

64. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
65. The applicant shall be required to ensure the retention and long-term health of all trees located on adjoining properties, adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees. Where it could be reasonably assumed that the proposed development may adversely impact on the retention and long term health of a tree/s located on any adjoining property it is recommended that the applicant submit a report, prepared by a qualified Arborist/Tree Surgeon (Member of the National Arborists Association), giving an appraisal of the subject tree/s, and the likely affect the proposal will have on this tree/s. The report should detail methods to be undertaken to ensure the preservation and longevity of the tree/s.

All tree protection measures/reports must be submitted with the Stage 2 Development Application.

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

66. 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 min sound pressure level at any affected premises that exceeds the background L_{A90} , 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines and the NSW Department of Environment and Climate Change Draft Construction Noise Guidelines (August 2008).

67. 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, the NSW Department of Environment and Climate Change Draft Construction Noise Guidelines (August 2008), and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.
68. 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*:

69. 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.

70. 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*.
71. 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.

72. 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.

73. 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.

74. 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".

75. 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.

76. **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.

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

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

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

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

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

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

78. 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.

79. 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.

80. 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.

81. 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:

82. 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.

83. 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.

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

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

85. 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, piling 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:

- a) all of the premises adjoining and immediately surrounding the subject site.

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

86. 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.**

87. 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:

88. 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.

89. 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).

90. 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.

91. 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.

92. 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.

93. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) Building materials, sand, soil, waste materials, construction equipment

or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

- c) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) 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.

- g) 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.
- h) 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.

- i) 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.

- 94.** 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.
95. 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.

96. During 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.

97. 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.

98. 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.

99. 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.

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

100. 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 day's 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.

ADVISORY MATTERS:

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

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

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

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

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

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

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

**CP36/09 Director City Planning Report - 66 Gubbuteh Road, Little Bay
(DA/781/2008)**

175/09

RESOLUTION: (Andrews/White)

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum wall 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 consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No 736/2008 for construction of a new part two and part three storey dwelling house with basement carparking and an in-ground swimming pool at the rear of the site at 66 Gubbuteh Road, Little Bay, subject to the following conditions.

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

1. The development must be implemented substantially in accordance with the plans numbered DA01 dated 2/9/08 and received by Council 30/10/08 and plans numbered DA02 to DA05 dated May 2009 and received by Council 2/6/09, 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:

Front fence

2. The front boundary wall/fence must not be higher than 1.2m. Design details must be shown on the Construction Certificate.

Geological Heritage

3. Any work program for excavation within the Palaeovalley Area should include a detailed Work Method Statement that ensures that:
 - Excavation does not adversely impact on the heritage values of the Palaeovalley Area; and
 - Uncovered significant geological information or specimens are appropriately investigated, recorded and saved.
4. Access to the site should be made available to qualified researchers during excavation within the Palaeovalley Area. (This should include Dr JW Pickett, Department of Mineral resources, and Dr H Martin, UNSW, as well as others who may be nominated by the NSW Geological Heritage Committee of the Geological Society of Australia).
5. Significant test drilling within the Palaeovalley Area should be recorded on a list. This list, together with corresponding drill logs, should be provided to Londonderry Core Library of the Department of Mineral resources along with any cuttings or core requested by the Core Library.

Aboriginal Archaeology

6. Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal remains at the Prince Henry site by way of an induction process and the possibility that more as yet undiscovered Aboriginal cultural material may exist there.
7. 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 the works.

Historical Archaeology

8. 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).
9. Site contractors should be made aware of their obligations under the Heritage Act 1977 and notification procedures in the event that any cultural material, such as archaeological relics, is disturbed or exposed during site works.

Heritage Council Conditions

10. All work shall comply with the following documentation:
 - Drawing nos. DA01, DA02, DA03, DA04, DA05, DA06, Job no. 0610, dated 02/09/08 prepared by geo form design;
 - Shadow drawings SH-01, SH-02, SH-03, Job no. Sh1222 dated 20/06/08 prepared by Digital Line Pty Ltd;
 - Landscape Plan, Project no. 0736, Drawing no. SK 01 dated 19/2/08 prepared by Geo form design architects;
 - Stormwater Drainage, Project no. 208-662, drawing nos. H-01, Rev. B; H-02, Rev. B; H03, Rev B dated 11/07/08 prepared by Greenarrow hydraulics;
 - Heritage Impact Assessment prepared by Purumal Murphy Alessi Heritage Consultants;
 - Statement of Environmental Effects dated 13/10/08 prepared by SPD Town

Planners

Except as amended by the following conditions of this consent:

- Should Aboriginal objects be found, the Department of Environment and Climate Change (DECC) 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 work resumes.
 - If any relics of state significance are uncovered, further excavation must stop and the Heritage Branch notified immediately. Further approval will need to be obtained from the NSW Heritage Council as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found.
 - Suitable clauses are to be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their obligations and requirements in relation to the relics provisions of the Heritage Act.
 - An application under section 60 of the NSW Heritage Act is to be submitted for approval by the Heritage Branch prior to work commencing.
11. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

12. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.

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

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.

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

14. 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.
15. 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.

16. 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)
17. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

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:

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

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

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

19. External paths and ground surfaces are to be constructed at appropriate levels

and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

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

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

21. Prior to the commencement of any building works, a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

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

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

- appoint a Principal Certifying Authority for the building work; and
- 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
- 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
- give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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

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

construction, Council's development consent and the construction certificate.

The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

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

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

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

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

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

30. 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.

31. 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.

- 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:
 - protect and support the adjoining premises from possible damage from the excavation, and
 - where necessary, underpin the adjoining premises to prevent any such damage.
- 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.

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

- new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),

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

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

33. 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.

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

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

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

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

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

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

36. A Construction Site Management Plan is to be developed and implemented prior to the commencement of any works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction;
 - provisions for public safety;
 - dust control measures;
 - site access location and construction
 - details of methods of disposal of demolition materials;
 - protective measures for tree preservation;
 - provisions for temporary sanitary facilities;
 - location and size of waste containers/bulk bins;
 - details of proposed sediment and erosion control measures;
 - construction noise and vibration management;
 - construction traffic management details.

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

37. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

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

38. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - 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.
 - 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.
 - Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

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

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

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

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

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

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

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

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

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

- Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2003: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
- Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents; and
- The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
 - before 8.00am or after 8.00pm on any Sunday or public holiday; or
 - before 7.00am or after 8.00pm on any other day.

42. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of

the Swimming Pools Act 1992, prior to issuing an Occupation Certificate.

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

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

43. 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.

44. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

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

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

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

46. Prior to the issuing of a Final Occupation Certificate the applicant is required to meet the full cost for Council or a Council approved contractor to adjust the existing vehicular crossing and layback as required.

47. Prior to the issuing of a Final Occupation Certificate the applicant is required to meet the full cost for Council or a Council approved contractor to replace any damaged sections of Council footpath along the site frontage.
48. All civil 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).
49. Prior to the issuing of a Construction Certificate the applicant is to amend the submitted plans to show the internal driveway extending 2.50m past the north-eastern edge of the garage opening. This is to create a turning bay to allow vehicles to reverse into it and exit the site in a forward direction.
50. Internal driveway grades shall be constructed in accordance with details shown on Job No 0610, Drwg No DA02 Basement Plan, Issue 11 by Geoform Design.

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 (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
52. 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 following conditions are applied to provide adequate consideration for service authority assets:

53. 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.
54. 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: (*Note: Stormwater drainage plans have not been approved as part of this development consent.*)

55. 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.
56. Stormwater runoff shall be discharged into the drainage system at the rear of the property. All site stormwater must be taken through a sediment/silt arrester prior to discharging into the drainage system. The sediment/silt arrester pit shall be constructed with:-
 - The base of the pit located a minimum 300mm under the invert level of the outlet pipe.

- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- 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 (Mascot GMS Multi-purpose filter screen or similar).
- A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:

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

Note: Sketch details of a standard sediment/silt arrester

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

57. Prior to the issue a construction certificate, the Principal Certifying Authority (PCA) will be required to ensure that the Landscape Plan prepared by Umbaco Landscape Architects, drawing number SK01 Issue D, dated 19.02.08, complies with the Landscaping Performance Criteria and Controls for Precinct P1, as set out in the Prince Henry Site Development Control Plan, dated 8th December 2004, **with a copy of the approved plan to be forwarded to Council if Council is not engaged as the PCA for the site.**
58. Upon completion of all site works, and prior to the issue of a final occupation certificate, documentary evidence is to be obtained from a suitably qualified professional in the horticulture/landscape industry, and is to be submitted to the PCA (as well as Council, if Council is not the PCA) which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent.
59. That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Tree Protection Measures

60. In order to ensure the retention of the two recently planted street trees within the Gubbuteh Road nature strip, to the north of the existing vehicle crossing in good health, the following measures are to be undertaken:
 - All detailed architectural, building, demolition, engineering (structural,

stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show their retention with the position of the trunks and full diameter of their canopies clearly shown on all drawings.

- Both trees are to be physically protected by the installation of protective fencing, which is to be provided a distance of 1 metre off the outside of each of their trunks, to completely enclose both trees.
- This fencing shall be installed prior to the commencement of construction works and shall remain in place until all works are completed.
- Within both 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.

Advisory Conditions

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

ADVISORY MATTERS:

A1 Demolition, building or excavation work must not be commenced until;

- A Construction Certificate has been obtained from Council or an Accredited Certifier
- Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

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

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

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

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

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

General Manager's Reports**GM28/09 General Manager's Report - Affixing of the Council Seal
(F2004/07593)**

176/09

RESOLUTION: (Belleli/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 lease at Flat 2/32 Belmore Road, Randwick.
2. South Eastern Sydney & Illawarra Area Health Service in relation to a sub-lease of part of the Randwick Branch Library at 73 Belmore Road, Randwick.
3. Tanya Youkhana (T/As Café One Four Three) in relation to a licence for the purpose of outdoor dining at 24/50 Carr Street, Coogee.
4. A residential tenant in relation to a residential lease at 1/20 Silver Street, Randwick.
5. A residential tenant in relation to a residential lease at 3/20 Silver Street, Randwick.
6. Joseph George Gore in relation to the withdrawal of caveat over the property at 384 Beauchamp Road, Maroubra (Folio Identifier 336/231907). This caveat placed a restriction on the re-sale of the said property within a period of three (3) years from the date of acquisition. As the date of the acquisition was in the late 1960s, the caveat is now redundant. The removal of the caveat will enable the transfer of the property.

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

**GM29/09 General Manager's Report - Randwick City Council 2009-13
Management Plan and Budget (F2009/00051)**

177/09

RESOLUTION: (Matson/Nash) that:

- (a) the Recommended Management Plan 2009-13 (Attachment 1) be adopted as the Management Plan for 2009-13 under s406 (1) of the Local Government Act 1993;
- (b) the Recommended Annual Budget 2009-10 be adopted as per Attachment 2;
- (c) the Recommended Capital Works Program be adopted for 2009-10 as per Attachment 3;
- (d) the Recommended General Fees & Charges be adopted for 2009-10 as per Attachment 4;
- (e) Council make and levy the Ordinary Residential Rate for 2009-10, under s494 and s498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.175140 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential.
- (f) Council make and levy the Ordinary Business Rate for 2009-10, under s494 and s498(1)(a) & (2) of the Local Government Act 1993, as a rate of 0.58361 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business.
- (g) Council make and levy the Special Environmental Rate for 2009-10 under s495 and s498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.014026 cents in the dollar on the land value of all rateable land within the City of Randwick should the Department of Local Government approve our application for a Special Variation.

- (h) Council make and levy the minimum ordinary Residential rate for 2009-10 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$549.50.
- (i) Council make and levy the minimum ordinary Business rate for 2009-10 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$885.50.
- (j) Council make and levy the Domestic Waste Management Charge for 2009-10 under S496 of the Local Government Act 1993, as \$391.00.
- (k) Council make and levy the Stormwater Management Service Charge for residential properties for 2009-10 under S496A of the Local Government Act 1993, as \$25.00.
- (l) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2009-10 under S496A of the Local Government Act 1993, as \$12.50.
- (m) Council make and levy the Stormwater Management Service Charge for business properties for 2009-10 under S496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m² or part thereof by which the parcel of land exceeds 350m².
- (n) The interest rate on overdue rates for 2009-10 be calculated at 9.0% per annum, and charged daily, in accordance with the determination under s566(3) of the Local Government Act 1993, by the Minister for Local Government; and
- (o) The responsible financial officer be delegated to make changes as adopted by Council.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matthews
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (1)

AMENDMENT: (Matthews/Andrews) that the recommendation be adopted, subject to the removal of the parking meters. **LOST.**

MOTION OF DISSENT: (Andrews/Matthews) that the Chairperson's ruling not to call a division on the amendment be dissented to. **LOST.**

GM30/09 General Manager's Report - Economic Wellbeing (F2007/00363)

178/09 **RESOLUTION: (Belleli/Matson)** that the report be received and noted.

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

Director City Services Reports**CS13/09 Director City Services Report - Air Monitoring for Asbestos (F2008/00197)**

179/09 **RESOLUTION: (Belleli/Matson)** that the report be received and noted.

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

Director Governance & Financial Services Reports**GF25/09 Director Governance & Financial Services Report - Investment Report - May 2009 (F2004/06527)**

180/09 **RESOLUTION: (Belleli/Matson)** that the investment report for May 2009 be received and noted.

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

GF26/09 Director Governance & Financial Services Report - Local Government Remuneration Tribunal - 2009 Annual Review (F2004/06576)

181/09 **RESOLUTION: (Belleli/Matson)** that a Councillor's Annual Fee of \$19,730 and a Mayor's Annual Allowance of \$52,410 be set for the 2009-10 financial year in accordance with the Remuneration Tribunal's determination of 29 April 2009 (Gazetted on 15 May 2009) and that these fees be effective from 1 July 2009.

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

Petitions**P3/09 Cr Nash - Petition from local residents requesting urgent action in relation to flooding in Irvine and Marville Lane, Kingsford (F2004/07191)**

182/09 **RESOLUTION: (Nash/Matson)** that the petition tabled be received and noted.

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

P4/09 Cr Nash - Petition from local residents requesting traffic control devices on Rainbow Street near Bangor Park, South Coogee (F2004/07866)

183/09 **RESOLUTION: (Nash/Matson)** that the petition tabled be received and noted.

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

P5/09 Cr Belleli - Petition from local residents requesting that the proposed sale of the Malabar Police Station be abandoned (F2004/06287)

184/09 **RESOLUTION: (Belleli/Matthews)** that the petition tabled be received and noted.

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

Motions Pursuant to Notice

NM39/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Belleli - Proposed Playgrounds in Pioneers Park & Chifley Reserve (F2008/00161)

185/09 **RESOLUTION: (Belleli/Andrews)** that, subject to community consultation, Council consider:

- a) in its 2010-2011 budget a children's playground in Pioneers Park; and
- b) in its 2010-2011 (or 2011-2012) budget a children's playground at Chifley Reserve.

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

NM40/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Andrews - Proposed Free Parking in Coogee for Ratepayers and Residents. (F2004/07401)

MOTION: (Andrews/Matthews) that as a result of Council's recent decision not to remove parking meters in the Coogee Basin, Council now develop a policy exempting all ratepayers and residents from paid parking in Coogee. Therefore providing free parking to all residents and ratepayers that live within the City of Randwick. **LOST.**

AMENDMENT: (Tracey/Stevenson) that as a result of Council's recent decision not to remove parking meters in the Coogee Basin, Council consider a further report on the possibility of installing new meters that could allow local residents to park at Coogee Basin for limited periods without charge or any other type of scheme that would give residents an exemption from the parking meter charges. This report would also look at the economic feasibility of implementing these schemes. **LOST.**

NM41/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Andrews - Proposed Closure of Malabar Police Station (F2004/06287)

186/09 **RESOLUTION: (Andrews/Belleli)** that Council:

- a) oppose the NSW Governments proposal to close down the Malabar Police Station and supports the Police Station remaining open and being fully staffed;
- b) write to the Premier (the Hon Nathan Rees), the Minister for Police (the Hon Tony Kelly) and the Member for Maroubra (Michael Daley) indicating Council's opposition to the proposal to close the Malabar Police Station, noting our communities opposition and anger to such a proposal;
- c) 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;
- d) authorise interested Councillors to represent the Council by marching in the rally under a banner that reads – Randwick City Councillors;
- e) erect a banner in the council area that reads – Randwick City Council supports the Malabar Police Station remaining open and being fully staffed; and
- f) issue a media release noting Council's support for the rally and promote the rally with leaflets and other appropriate means.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Procopiadis
Councillor Belleli	Councillor Tracey
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor White	
Councillor Woodsmith	
Total (12)	Total (2)

AMENDMENT: (Tracey/White) that Council:

- a) notes the impending closure of the Malabar Police Station and writes to the Minister seeking not only continued police presence at Malabar, but with increased staffing and operating hours; and
- b) display a banner at the Community Rally to be held on Saturday 5 July 2009 at Malabar Police Station. **LOST.**

NM42/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matthews - Anzac Rifle Range site (F2004/06759)

187/09

RESOLUTION: (Matthews/Belleli) that, in fulfilment of years of previous promises, the Federal Labor Government now being in power, be requested to hand back to the people the Anzac Rifle Range site by way of a National Park.

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

NM43/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Suspend Support for Joint Regional Planning Panels (F2006/00524)

188/09

RESOLUTION: (Matson/Hughes) that Council maintain its nominees on the Joint Regional Planning Panels but suspends its support for the present Joint Regional Planning Panel process until the concerns of the LGSA have been satisfied.

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

NM44/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Addition of specific objectives to Council's Development Standards (F2007/00568)

189/09

RESOLUTION: (Matson/Hughes) that Council's Comprehensive Local Environment Plan be amended to include specific underlying objectives as separate addendums to each of the document's development standards in addition to the present all encompassing "purpose" paragraphs presently attached to each main containing clause. It is intended that this will better facilitate the implementation of SEPP1 in the assessment of non-conforming development proposals.

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

Confidential Reports (Closed Session)

The meeting moved into closed session in order to consider confidential items.

**GM26/09 Confidential - Randwick City Council Management Plan 2009-13:
Confidential Fees and Charges (F2008/00649)**

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

190/09 **RESOLUTION: (Belleli/Matson)** that the recommended Confidential Fees and Charges 2009-10 be adopted for the 2009-10 financial year.

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

**CS14/09 Confidential - Tender for the Supply and Installation of a 36
Kilowatts (Nominal Rated Capacity) Rooftop Photovoltaic System
on Randwick City Council's Depot Building - T02/09
(F2008/00188)**

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.

191/09 **RESOLUTION: (Belleli/Matson)** that Council:

- a) Accepts the tender offered by Solgen Energy Pty Ltd at a lump sum price of \$324,470.24 for the Supply and Installation of a 36 Kilowatt Photovoltaic (Solar) Panel System for Council's Depot Building (T02/09); and
- b) Authorises the General Manager to sign and affix Councils Common Seal on the contract documents Solgen Energy Pty Ltd.
- c) Notifies the unsuccessful tenderers.

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

**CS15/09 Confidential - Tender for Miscellaneous Infrastructure Services -
T05/09 (F2009/00104)**

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.

192/09 **RESOLUTION: (Belleli/Matson)** that Council:

- a) Accepts the tenders submitted by J Coulston Electrics P/L, Harnleigh P/L, Salt Constructions P/L, Shannon Black Plumbing, Applied Resources P/L, Keith Hurdis Plumbing P/L, Brooks Irrigation, Irrigation Management, Central Tech Services (CTS) P/L, Alco Pump Maintenance P/L, B&B Drilling (Bartlett Family Trust), Transpacific Industries P/L, P&D Envirotech, Lidoran Environmental Services P/L, Britts Water Solutions (Darren Britt Management), and Bell Environmental for their nominated categories under Miscellaneous Infrastructure Services;
- b) Authorises the General Manager to sign and affix Councils Common Seal on the contract documents on behalf of Council for a three year term with an option to

extend for two further terms of twelve months each; and

- c) Notifies the unsuccessful tenderers.

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

CS16/09 Confidential - Tender for Video Surveillance System for Randwick City Council (F2009/00159)

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.

193/09

RESOLUTION: (Hughes/Nash) that:

- a) all the tenders submitted for T06/09 (video surveillance system for Randwick City Council) be rejected and the General Manager be authorised to negotiate with Quest to seek an affordable compromise, based on the solution offered;
- b) subject to successful negotiations, the General Manager be authorised to sign and affix Council's Common Seal on the contract documents on behalf of Council for a three year term with an option to extend for two further terms of twelve months each; and
- c) the unsuccessful tenderers be notified.

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

Open Session

The meeting moved back into open session.

Notices of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 9.40pm.

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

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CHAIRPERSON