



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 28 JULY 2009 AT
6:02 PM.**

Present:

Councillor M. Woodsmith (Deputy Chairperson) (in the Chair) (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 Sustainability	Mr P Maganov
Manager Aquatic Services	Mr R Heddle
Supervisor Aquatic Programs	Ms K Donougher

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

A request for leave of absence was previously granted to the Mayor, Cr B. Notley-Smith.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 23 JUNE 2009**

- 194/09 **RESOLUTION: (Matson/Belleli)** that the Minutes of the Extraordinary Council Meeting held on Tuesday 2 June 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.
- 195/09 **RESOLUTION: (Smith/Procopiadis)** that the Minutes of the Ordinary Council Meeting held on Tuesday 23 June 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Andrews declared a non significant non pecuniary interest in item CP40/09 as he has come to know some of the objectors and the applicant during the years he has lived in the Randwick area.
- (b) Cr Belleli declared a non significant non pecuniary interest in item CP40/09 as he served with a former councillor who is involved in this application.
- (c) Cr Bowen declared a significant pecuniary interest in item CP40/09 as he owns the neighbouring property. Cr Bowen will be taking no part in the debate or voting on the matter.
- (d) Cr Woodsmith declared a non significant non pecuniary interest in item CP40/09 as she has come to know some of the objectors and the applicant during the years she has lived in the Randwick area.
- (e) Cr Tracey declared a non significant non pecuniary interest in item CP40/09 as he has come to know some of the objectors and the applicant during the years he has lived in the Randwick area.
- (f) Cr White declared a non significant non pecuniary interest in item CP40/09 as he has come to know some of the objectors and the applicant during the years he has lived in the Randwick area.
- (g) Cr Matthews declared a non significant non pecuniary interest in item CP40/09 as he as he served with a former councillor who is involved in this application.
- (h) Cr Procopiadis declared a non significant non pecuniary interest in item CP40/09 as he has come to know some of the objectors and the applicant during the years he has lived in the Randwick area.
- (i) Cr Seng declared a non significant non pecuniary interest in item CP40/09 as he served with a former councillor who is involved in this application.
- (j) Cr Stevenson declared a non significant non pecuniary interest in item CP40/09 as he knows some of the objectors and the applicant during the years he has lived in the Randwick area.
- (k) Cr Matson declared a non significant non pecuniary interest in item CP40/09 as he served with a former councillor who is involved in this application and he knows some of the affected residents in Arcadia Street.
- (l) Cr Woodsmith declared a non significant non pecuniary interest in item CP38/09 as she knows someone who is affected by the development.
- (m) Cr Matthews declared a non significant non pecuniary interest in item CP38/09as he knows someone who is affected by the development.
- (n) Cr Andrews declared a non significant non pecuniary interest in item GM32/09 as he has come to know one of the applicants during the years he has lived in

the Randwick area.

- (o) Cr Andrews declared a non significant non pecuniary interest in item CP38/09 as he has come to know some of the objectors and the applicant during the years he has lived in the Randwick area.
- (p) Cr White declared a significant pecuniary interest in item CP43/09 as he put in water tanks and ceiling insulation and claimed the Council offered rebates. Cr White will be taking no part in the debate or voting on the matter.

Address of Council by Members of the Public

Prior to consideration of the Agenda by the Council, deputations were received in respect of the following matters:

CP38/09 79-81 HANNAN STREET, MAROUBRA

Against Mr Hyman Goldstein

CP38/09 79-81 HANNAN STREET, MAROUBRA

For Anthony Betros (on behalf of the Applicant)

CP40/09 155-157 ARDEN STREET, COOGEE

Against Lewis Adey (on behalf of objectors)

CP40/09 155-157 ARDEN STREET, COOGEE

For Brian Mann (on behalf of the Applicant)

CP43/09 FOLLOWING UP THE CONCLUSION OF RANDWICK'S SUSTAINABLE HOME MAKEOVER ENERGY AND WATER SAVING REBATES FOR RESIDENTS

Against Greg Olsen

The meeting was adjourned at 6.37 pm and was resumed at 6.52 pm.

Mayoral Minutes

MM47/09 Mayoral Minute - South Maroubra Surf Life Saving Club - Surf Carnival - Waiving of Fees (F2009/08302)

196/09

RESOLUTION: (Deputy Mayor, Cr M Woodsmith) that:

- a) Council vote \$866.50 to cover the fees associated with the holding of the South Maroubra Surf Life Saving Carnival on Saturday, 5 December 2009 and that the funds be allocated from the 2009/10 Contingency Fund;
- b) The organiser of the carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the carnival; and
- c) The Mayor or his representatives be given the opportunity to address the surf carnival on behalf of council.

MOTION: (Deputy Mayor, Cr M Woodsmith) CARRIED - SEE RESOLUTION.

MM48/09 Mayoral Minute - Maroubra Swimming Club Championships - Des Renford Aquatic Centre - Waiving of fees (F2004/07412)

197/09

RESOLUTION: (Deputy Mayor, Cr M Woodsmith) that:

- a) Council vote to waive the \$660.00 to cover fees associated with the Maroubra Club Championships to be held on Sunday, 13 September 2009 and that the funds be allocated from the 2009/10 Contingency Fund;
- b) Maroubra Swimming Club undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements, etc.); and
- c) the Mayor or the Mayor's representative is given the opportunity to address the event on behalf of Council.

MOTION: (Deputy Mayor, Cr M Woodsmith) CARRIED - SEE RESOLUTION.

MM49/09 Mayoral Minute - Des Renford Aquatic Centre - Austswim National 2009 Large Swim School of the Year (F2004/06618)

198/09

RESOLUTION: (Deputy Mayor, Cr M Woodsmith) that Council thank all the staff at the Des Renford Aquatic Centre for their excellence in delivering its services.

MOTION: (Deputy Mayor, Cr M Woodsmith) CARRIED - SEE RESOLUTION.

MM50/09 Mayoral Minute - Ride for Life - Request for Financial Assistance (F2005/00163)

199/09

RESOLUTION: (Deputy Mayor, Cr M Woodsmith) that Council:

- a) contribute an amount of \$3,000.00 as a donation to the Department of Oncology at the Prince of Wales Hospital and that this amount be funded from the 2009-10 Contingency Fund;
- b) contribute a banner to publicise this worthwhile event, also to be funded from the Contingency Fund; and
- c) advertise the event in the Mayoral Column.

MOTION: (Deputy Mayor, Cr M Woodsmith) CARRIED - SEE RESOLUTION.

MM51/09 Mayoral Minute - Conference Attendance by Councillors (F2005/00646)

Note: A rescission motion was submitted on this matter and was considered as the last item of business on the agenda.

MOTION: (Deputy Mayor, Cr M Woodsmith) that a report be brought back to Council on the limitation of Councillors' attendance at conferences generally to one conference per Councillor per annum. LOST.

The **DIVISION** was called for by Councillors Matson and Hughes and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Woodsmith	Councillor Bowen
	Councillor Matthews
	Councillor Nash

Councillor Procopiadis
 Councillor Seng
 Councillor Smith
 Councillor Stevenson
 Councillor Tracey
 Councillor White

Total (3)

Total (11)

MM52/09 Mayoral Minute - Food Deliveries for Frail, Aged and Housebound Residents (F2004/07646)

200/09 **RESOLUTION: (Deputy Mayor, Cr M Woodsmith)** that the Council publicise the Food Services program on the website and in the community newsletter.

MOTION: (Deputy Mayor, Cr M Woodsmith) CARRIED - SEE RESOLUTION.

MM53/09 Centennial Park and Moore Park Trust Regulation Review (F2004/06888)

201/09 **RESOLUTION: (Deputy Mayor, Cr M Woodsmith)** that Council note this report and submission sent to the Centennial Park and Moore Park Trust (CPMPT) in relation to their draft Regulation.

MOTION: (Deputy Mayor, Cr M Woodsmith) CARRIED - SEE RESOLUTION.

MM54/09 Mayoral Minute - Randwick Hospitals Campus: Interim Accommodation (F2008/00375)

202/09 **RESOLUTION: (Deputy Mayor, Cr M Woodsmith)** that Council endorse approaching the South Eastern Sydney and Illawarra Area Health Service seeking consideration of a facility of at least 85 beds, on the Randwick hospitals Campus.

MOTION: (Deputy Mayor, Cr M Woodsmith) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

CP37/09 Director City Planning Report - 16 Howell Avenue, Matraville (DA/244/2009)

203/09 **RESOLUTION: (White/Andrews)**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 32(1) of Randwick Local Environmental Plan 1998 relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants Development Consent by Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 244/2009 for demolition of existing structures on site and construction of an attached dual occupancy with outbuildings, swimming pool and general landscape works, at

No. 16 Howell Avenue, Matraville, subject to the following conditions:

Deferred Commencement Conditions:

The consent is not to operate until the following details / plan amendments have been submitted to, and approved by, Council's Director of City Planning:

1. The design of the rear private open space, swimming pool and outbuildings shall be amended in the following manner:
 - (a) The coping level of the swimming pool shall be reduced by 1,000mm from RL 36.895m AHD to RL 35.895m AHD.
 - (b) The ridge height of the pool house / games room shall be reduced by 1,000mm from RL 40.450m AHD to RL 39.450m AHD.
 - (c) The ridge height of the shade hut shall be reduced by 1,000mm from RL 40.445m AHD to RL 39.445m AHD.

Note:

Nothing in this condition permits or implies any increase in the gross floor areas (GFA) or footprints of the proposed outbuildings; nor any changes to the location, form, floor areas and design of the proposed dual occupancy building on the site. The provision of additional stairs, steps and/or pathways within the rear courtyard must not reduce soft landscaped areas / permeable surfaces to less than 20% of the site area.

Scaled revised drawings, including plans, elevations, cross sections and long sections, and relevant landscaped area and permeable surfaces calculations, demonstrating compliance with the above requirements shall be submitted. The drawings shall clearly indicate the existing and proposed ground lines, the extent of excavation and backfilling, the design details of retaining wall structures and any new steps or stairs required.

2. Fixed screening devices shall be installed on the side elevations of both the ground and first level rear decks for a minimum distance of 1500mm, as measured from the rear wall of the building.

The screens shall be installed above the deck balustrades up to the underside of the corbelling. The screens shall be constructed with 35mm wide timber or metal slats, horizontally positioned, and spaced at a maximum of 35mm, or another appropriate design that effectively restricts cross viewing to the private open space of the adjoining properties.

Scaled amended plans demonstrating compliance with the above shall be submitted.

3. The design of the side and rear boundary fencing shall be amended in the following manner:
 - (a) The fencing along the eastern boundary of the site shall have a height of not more than 2200mm, as measured from the existing ground levels.
 - (b) The maximum height of fencing along the western and northern boundaries of the site shall be not more than 2000mm, as measured from the existing ground levels.
 - (c) On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the abovementioned specified height by up to 150mm maximum adjacent to any required "step-downs" or changes in ground level.

- (d) Revised scaled drawings demonstrating the height, alignment, design and materials of the side and rear boundary fencing shall be submitted.
4. The colours, materials and finishes of the external surfaces to the building and associated structures are to be compatible with the adjacent development to maintain the integrity and amenity of the streetscape.

Details of the proposed colours, materials and textures of the external walls, roof tiles, window frames, doorways, balustrades, fencing and screening devices (i.e. a schedule, brochure/s or sample board) are to be submitted.

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

- C. Subject to compliance with the Deferred Commencement Conditions, to the satisfaction of the Director of City Planning, Development Consent is granted under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, subject to the following conditions:

Conditions of Consent:

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

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

Plan Number	Dated	Received	Prepared By
0032/09 Sheet 1(A)	15/4/09	24 April 2009	Classic Plans
0032/09 Sheet 2(A)	15/4/09	24 April 2009	
0032/09 Sheet 3(A)	15/4/09	24 April 2009	
0038/09 Sheet 4(A)	20/1/09	24 April 2009	

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

2. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
3. 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.
4. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
5. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction

6. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway on Howell Avenue or a public place.
7. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
8. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
9. The windows attached to the walk-in-wardrobe, bathroom, laundry and stairwell areas on the upper floor level are to be constructed with obscured / frosted / translucent glazing. Details demonstrating compliance with this requirement shall be incorporated in the Construction Certificate documentation.
10. The fence on the street alignment is to be a maximum height of 1800mm and be designed so that the upper two thirds of the fence (excluding any piers or posts) is at least 50% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100001 - \$200000	-----	0.5%	-----
Development cost more than \$200000	\$1,330,670	1.0%	\$13,306.70

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

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

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

12. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
13. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate

application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

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

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

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

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

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

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

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

17. 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 1926-1986.

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

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

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

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

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

20. 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.

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

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

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

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

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

b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

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

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

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

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

25. 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:

26. 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.

27. 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*.

28. **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.

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

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

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

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

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

Documentary evidence of the building inspections carried out and details of compliance with Council's consent is to be maintained by the *Principal*

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

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

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

32. 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.

33. **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.

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

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

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

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

appointment of the PCA / notice of intention to commence building work.

35. 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.

36. 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.

37. 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.

38. 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:

39. 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.
40. 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.

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

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

42. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.*) located upon No.'s 14 and 18 Howell Avenue Matraville.

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

43. 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**.
44. 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:

45. 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.

46. 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).*

47. 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.

48. 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.

49. 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.

50. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the **following stage/s of construction:**

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.

51. 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.

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

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

Dust control measures and practices may include:-

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

53. 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.

54. 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.

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

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

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community

- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

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

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

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

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

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

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

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

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

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

58. 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.

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

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

- a) \$1000.00 - Damage/Civil Works Security Deposit

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

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

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

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

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

60. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct a concrete 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.
61. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
62. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

63. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
64. The design alignment levels issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
65. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$671.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

66. 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.
67. 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.
68. 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.

69. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

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

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

70. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.
 - 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.
71. 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.
72. All site stormwater must be discharged (by gravity) to either:
- The kerb and gutter or drainage system at the front of the property; OR
 - To an infiltration system designed in accordance with Council's requirements (subject to a satisfactory Geotechnical Engineers report).
73. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.
- Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.**
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.
74. Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with

provision for a formal overland flow path to Council's Street drainage system.

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

75. 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.
76. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
77. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
 - 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area).
 - 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area.

Notes:

- It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas.

78. The stormwater detention area (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.
79. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

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

80. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
81. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
82. 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.

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

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

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

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

Notes:

- a. The "restriction as to user" 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 linen plans shall indicate the location and dimensions of the detention/infiltration areas.
- c. The works as executed drainage plan and hydraulic certification

must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

85. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- The location of the detention basin with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in the detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size(s) (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
86. 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 to the satisfaction of the PCA.

The following condition is applied to provide adequate provisions for waste management:

87. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the dual occupancy

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

88. Landscaping shall be provided to the whole of the site to enhance its amenity and reduce the impact of the development upon both the streetscape and neighbouring properties.
89. A Landscape Plan prepared by a professional holding the minimum qualification of an Associate Diploma in Landscape/Horticulture (must also be a registered member of either AILD, AILA or equivalent), must be submitted to, and be approved by the PCA, **prior to the issue of a construction certificate** (with a copy to be provided to Council if not the PCA, prior to the commencement of any site works), and is to include the following:
- a) A predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions;
 - b) A planting schedule which indicates all proposed planting, including botanic names, sizes at maturity, quantities, pot size at the time of planting and location;
 - c) One x 100 litre (pot/bag size at the time of planting) tree which will attain a minimum height at maturity of between 4-7 metres, within the lawn area indicated for the eastern half of the front portion of the site, so as to soften the visual impact, bulk and scale of the proposed building on the streetscape;

- d) A further 2 x 25 litre (pot size at the time of planting) trees within the rear yard, selecting those species which will attain a minimum height of 6 metres at maturity, for the same reasons outlined in point 'c' above, as well as to compensate for the loss of several established trees which need to be removed to accommodate the proposed works;
 - e) Suitable perimeter screen planting along the length of both the northern and eastern boundaries as shown.
90. 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.
91. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

92. Approval is granted for the applicant to remove and dispose of (at their own cost) the most eastern of the two existing *Callistemon viminalis* (Weeping Bottlebrush's), on Council's Howell Avenue nature strip, towards the eastern site boundary, during excavations associated with the proposed vehicle crossing as shown, and must satisfy themselves as to the location of all site services prior to the commencement of any works on public property.
93. The approval provided above is subject to the applicant submitting a payment of **\$650.00 (no GST)** to Council, being compensation for the loss of amenity caused by removal of this street tree for no other reason than to accommodate the proposed works.

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

94. Approval is granted for removal of the following trees, subject to full implementation of the new landscape scheme, as detailed earlier in this report:
- The two separate, single trunk *Archontophoenix cunninghamiana* (Bangalow Palms) within the western half of the front yard, between the internal driveway and entry path, in order to accommodate the proposed works and new landscape treatment in this area of the site;
 - Along the eastern side setback, one *Syzygium luehmannii* (Small Leafed Lilly Pilly), both due to its inappropriate location near the northeast corner of the existing dwelling, as well as to accommodate the proposed basement, ground and first floor works as shown;
 - One large and mature *Magnolia grandiflora* (Bull Bay Magnolia) in the rear yard, due both to its inappropriate location close to the southeast corner of the existing garage/storage shed, as well as to accommodate the new retaining wall and pool house/games room as shown;
 - One *Schefflera actinophylla* (Umbrella Tree) to the west of the tree described in point 'c' above, along the western boundary, as this species is recognised as an environmental weed in the Randwick LGA.

Tree Pruning

95. Permission is granted for the selective pruning of only those lower growing branches from the western aspect of the *Metrosideros excelsa* (Pohutukawa), located beyond the northeast corner of the existing dwelling, actually in the rear yard of the adjoining property to the east, 18 Howell Avenue, close to the common boundary, which need to be pruned in order to avoid damage to the tree, or interference between the tree and works, either during the course of construction or upon completion.
96. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
97. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees'.

Tree Protection Measures

98. In order to ensure retention of the most western of the two *Callistemon viminalis* (Weeping Bottlebrush's) on Council's Howell Avenue nature strip, towards the western site boundary, and to the east of the existing vehicle crossing in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the construction certificate application must show the retention of this street tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.
 - b. The construction certificate plans must also provide measurements which show that the eastern edge of the most western vehicle crossing will be setback a minimum distance of 1.5 metres from its trunk (measured off its outside edge at ground level).
 - c. Any new services, pipes, stormwater systems or similar that need to be installed over public property, must be done so along either the sites side boundaries; or, a distance of 3 metres to the east of its trunk.
 - d. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 2 metres to its east (measured off the outside edge of its trunk at ground level), as well as along the kerb to its south, the proposed crossing to its west, and the pedestrian path to its north, in order to completely enclose this tree for the duration of works.
 - e. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - f. The applicant is not authorised to perform any works to this street tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
 - g. Within the zone specified in point 'd' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - h. Any roots encountered during excavations associated with the most

- western vehicle crossing must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible
- i. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$1,000.00 (no GST)** shall also be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

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

Any contravention of Council's conditions relating to the tree at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Tree Protection Measures

99. In order to also ensure retention of the *Metrosideros excelsa* (Pohutukawa), located beyond the northeast corner of the existing dwelling, actually in the rear yard of the adjoining property to the east, 18 Howell Avenue, close to the common boundary, in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the construction certificate application must show the retention of this tree, with the position and diameter of both its trunk/s and canopy to be clearly shown on all drawings.
 - b. All plans must show that a setback of 3 metres will be provided between the point where the trunk/s of this neighbouring tree meet the common boundary, and the proposed access stairs and storage space, with the nominated construction method for this component needing to be mindful of the requirement that must be no excavations within this exclusion zone.
 - c. In order to maintain acceptable rates of air and moisture to the root system of his neighbouring tree, the area along the eastern side boundary, for the full width of its canopy (i.e. a distance of approximately 8 metres) must remain as undisturbed, deep soil, with existing levels/grades in this same area to be retained as existing.
 - d. Fencing along this boundary, beneath the 8 metre long extent of its canopy as described above, must be a type which does not require a continuous strip footing, with only localised pad footings to be utilised in this instance.
 - e. Within the 3 metre exclusion zone specified in point 'b' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - f. Any roots encountered during excavations or any other associated works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.

ADVISORY MATTERS:

1. The applicant is advised that the Construction Certificate plans and

specification must comply with the provisions of the Building Code of Australia (BCA).

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

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part C2 - Compartmentation and separation
- d) Clause C3.2&C3.4 - Protection of openings in external walls
- e) Part D1 - Provisions for escape, in particular, basement carpark
- f) Clause D1.2 - Number of exits required (see above)
- g) Part E1 - Fire fighting equipment
- h) Part E2 - Smoke Hazard Management
- i) Part F1 - Damp and weatherproofing
- j) Part F4 - Light and ventilation, in particular, to carpark
- k) Part F5 - Sound Transmission and Insulation
- l) Section J - Energy efficiency

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

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

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

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

3. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
4. The applicant and owner are advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

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

CP38/09 Director City Planning Report - 79-81 Hannan Street, Maroubra (DA/113/2009)

204/09

RESOLUTION: (Seng/Matson) that this application be deferred to allow the applicant to submit revised plans to address both the lack of parking available onsite and the loss of views to neighbouring properties.

MOTION: (Seng/Matson) 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 Tracey
Councillor Belleli	Councillor White
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Woodsmith	
Total (12)	Total (2)

CP39/09 Director City Planning Report - 1/250 Clovelly Road, Coogee (DA/375/2009)

205/09

RESOLUTION: (Andrews/Hughes)

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 32(1) of the Randwick Local Environmental Plan 1988, relating to Floor Space Ratio, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

AND

- B. That Council under delegated authority from the General Manager, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/375/2009 for the enclosure of front ground floor verandah in existing dwelling (SEPP1 Objection to Floor Space Ratio Control) at 1/250 Clovelly Road, Coogee, subject to the schedule of conditions outlined in this report:

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

1. The development must be implemented substantially in accordance with the plans numbered 810/09, dated June 2009 and received by Council on 16 June 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

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

3. 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.

4. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.
 - 1.
 2. 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.
 - 3.
 4. 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.
 - 5.
 6. 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 all new and upgraded building work, the consumption of water shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.
6. In all new and upgraded building work, external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.

Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.
7. In all new and upgraded building work, hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.

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:

8. 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.

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

9. 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.

10. **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.

11. 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).

12. **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*.

13. 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*.

14. 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:
 7.
 - 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".
15. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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**.

16. 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.

17. 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.

- 8.
9. 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.
- 10.
11. 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:

18. 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)
- 12.
13. *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.*

19. 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.*

20. 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.

21. 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.
22. 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.

23. 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.
24. 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.
25. 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.

26. 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.

27. 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.**

28. 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/Hughes) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP40/09 Director City Planning Report - 155-157 Arden Street, Coogee
(DA/58/2008)**

Note: Councillor Bowen left the chamber during the discussion and voting on this matter.

206/09

RESOLUTION: (White/Matthews)

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 32(1) of the Randwick Local Environmental Plan 1998, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants Development Consent by Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/58/2008 for demolition of existing structures on site and construction of a 3-storey multi-unit housing development comprising 8 x 3-bedroom apartments, car parking for 19 vehicles, landscape works, modification and reconstruction of sandstone retaining walls along the carriageway of Arden Street and creation of an easement for connection with the adjoining land at No. 159 Arden Street, Coogee, subject to the following conditions:

Deferred Commencement Conditions:

The consent is not to operate until the following details/plan amendments have been submitted to, and approved by, Council's Director of City Planning:

1. A detailed elevation of the Arden Street frontage showing the existing footpath levels (as referred in Condition 75) and Council's preferred alignment levels for the carpark entry/exit point.
2. Details of the reconstructed retaining wall showing two options; option 1 being the wall splayed in general compliance with the development consent for Development Application 611/2006 and Option 2 showing the retaining wall being reconstructed parallel to the Arden Street property boundary of 153, 155 and 157 Arden Street and east of the current retaining wall.

Notes: The applicant must liaise with Council's Development Engineer Coordinator (93990924) to obtain Council's requirements for the deferred commencement submission prior to undertaking the required design work.

3. A fixed planter box of not less than 1.0m in width (including the width of walling) and 600mm soil depth is to be provided along the southern edge of the roof terrace of Apartment 8, which is located adjacent to Bedroom 1 of that unit.

Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.

- C. Subject to compliance with the Deferred Commencement Conditions, to the satisfaction of the Director of City Planning, Development Consent is granted under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, subject to the following conditions:

Conditions of Consent

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

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

Plan Number	Dated	Received on
DA101 (Revision C)	02.07.08	3 July 2008
DA102 (Revision C)	02.07.08	3 July 2008
DA103 (Revision C)	02.07.08	3 July 2008
DA104 (Revision C)	14.07.09	16 July 2009
DA105 (Revision B)	02.07.08	3 July 2008
DA106 (Revision B)	29.05.08	3 July 2008
DA107 (Revision B)	29.05.08	3 July 2008
DA108 (Revision C)	14.07.09	16 July 2009
DA109 (Revision C)	02.07.08	3 July 2008
DA118 (Revision A)	29.05.08	3 July 2008
DA119 (Revision A)	29.05.08	3 July 2008

prepared by Robertson + Marks; the application form and any supporting information received with the application, except as may be amended by the following conditions, the details approved pursuant to the Deferred Commencement conditions and as may be shown in red on the attached plans:

2. The colours, materials and finishes of the external surfaces to the building are to be generally consistent with the approved drawings and the following sample board:

Title / Supplier	Dated	Received on
"Finishes Board", Robertson + Marks	04/02/08	5 February 2008

3. The proposed skylights to the top floor apartments shall protrude above the finished levels of the rooftop by not more than 400mm. Details demonstrating compliance with the above requirement shall be incorporated in the Construction Certificate documentation, to the satisfaction of the Principal Certifying Authority.
4. Street and unit numbering must be provided to the premises in a prominent position, in accordance with Australia Post guidelines and AS / NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

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

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

6. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
7. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
8. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.
9. The front fencing / wall facing the Arden Street footpath is to be of a maximum height of 1,200mm, as measured from the existing footpath level, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.

On sloping sites or at changes in ground levels, the maximum height of the fence / wall may exceed the above mentioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

10. Fences / boundary walls located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm, measured above the existing ground levels.

On sloping sites or at changes in ground levels, the maximum height of the fence / wall may exceed the abovementioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

The applicant and owner are advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

11. The proposed car parking spaces are to be designed, constructed, line-marked and sign-posted as being compliant with Australian Standards 2890.1: Off-Street Car Parking. Details of compliance are to be included in the Construction Certificate application.
12. A minimum of four (4) bicycle parking spaces are to be provided within the proposed development. The design and construction of the bicycle parking facilities are to be compliant with Australian Standards 2890.3: Bicycle Parking Facilities. Details of compliance are to be included in the Construction Certificate application.
13. Suitable security lighting is to be installed at the main pedestrian entry to the building on Arden Street as well as along the suspended walkway. The above lighting devices shall be low level lighting where the light source shall not be located higher than 1m above the finished floor level, and is to be directed towards the ground. Details are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
14. The glazing components of the balcony balustrades on the western (Arden Street) elevation shall consist of frosted / obscured / translucent glass, in order to protect the privacy of the occupants. Details are to be included in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.

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

15. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.

An updated BASIX Certificate reflecting the approved plans is to be submitted to the Certifying Authority with the **Construction Certificate** application for this development.

16. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the **Construction Certificate** application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

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

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

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

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost more than \$200000	\$2,673,678	1.0%	\$26,736.78

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

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

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

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

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

21. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.
22. 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*:

23. 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.

24. 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*.
25. **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.

26. **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.

27. 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.

28. 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".

29. 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.

30. **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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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 has been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

36. 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.

37. 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.

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

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

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

- a) all of the premises adjoining the subject site.

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

40. 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**.
41. 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:

42. 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.

43. 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).

44. 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.

45. 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.

46. 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.

47. 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.
48. 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.
49. 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.

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

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

Dust control measures and practices may include:-

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

51. 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.

52. 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.

53. 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.

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

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

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

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

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

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

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

- b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

Road/Asset Openings

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

56. 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:
 1. 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.
 2. 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.
 3. 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.
 4. Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
 5. 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.
 6. Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
 7. 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.

8. Public and vehicular safety must be maintained at all times and any related directions issued by Council officers must be complied with.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.

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

57. The installation of rainwater tanks shall comply with the following noise control requirements:-
 - a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that

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

- b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
 - c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
 - before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.
58. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence

Security Deposit Conditions

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

59. 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 retaining wall, 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) \$100,000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of cash, cheque or bank guarantee and is refundable upon:

- A satisfactory inspection by Council (upon completion of all works on the site) that no damage has occurred to the Council assets; and
- Completion of the civil works (as conditioned in this development consent) by a Council approved contractor.

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

Traffic Conditions/Civil Works Conditions

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

60. The applicant shall meet the full cost for a Council approval contractor to:
- a. Reconstruct the existing sandstone retaining wall in Arden Street to Council's specification. The new alignment of the reconstructed wall shall either be parallel to the existing Arden Street boundaries of 153, 155 and 157 Arden Street with a reduced setback or alternatively in general accordance with the development consent for Development Application 611/2006 (refer to DA 611/2006 'Sandstone wall re-instatement diagram',

Sheet 013 (issue A) dated 12/11/2006). The wall shall be reconstructed:

- i. From the northern side of the vehicular crossing to the end of the retaining wall at the Arcadia Street intersection;
- ii. From the southern side of the vehicular crossing to a point determined by a suitably qualified structural engineer but not less than 5 metres south of the southern property boundary; and
- iii. Along both sides of the new driveway access.

Notes:

- The alignment of the retaining wall to the north of the new crossing shall be set back from the existing alignment to facilitate suitable sight lines for vehicles exiting the site, (either in accordance with development consent for DA 611/2006 or parallel to the Arden Street property alignment of 153, 155 and 157 Arden Street to Council's specification). A final decision on the alignment of the wall will be made by Council following consideration of all traffic, parking, amenity and service authority related issues.
 - Reconstruction of the retaining wall shall include construction of a new set of stairs at a location to be determined by Council. Costs associated with construction of the stairs shall be met by the applicant.
 - Concrete secant piling or similar/equivalent (for the new retaining wall) shall be installed behind the existing wall prior to any wall demolition works.
 - The new retaining wall shall be constructed with a sandstone blockwork face.
- b. Reconstruct the existing concrete footpath located along the full length of the new retaining wall. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
 - c. Construct a new pedestrian footbridge over the vehicular access along the alignment of the existing footpath.
 - d. Install stainless steel guard rails adjacent to the new retaining wall, stairs, footbridge, and at any other potentially dangerous locations.
 - e. Construct a new concrete heavy duty vehicular crossing opposite the proposed vehicular access to the site.
 - f. Construct a 1 metre wide median island (with appropriate line-marking and signposting) in Arden Street to the satisfaction of the Randwick Traffic Committee.
 - g. Construct concrete kerb and gutter (with associated road works) for the length of the new retaining wall except opposite the vehicular crossing. The alignment of the new kerb shall be approved by Council's Transport Management Group prior to the commencement of work.
 - h. Construct a minimum 600mm wide concrete footpath between the retaining wall and new kerb and gutter for the full length of the new retaining wall to the north of the proposed vehicular crossing.

- i. Provide new line marking in Arden Street (for the length of the new retaining wall) to the satisfaction of the Randwick Traffic Committee.
61. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
 62. In accordance with the requirements of the Roads Act 1993, 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. Detailed plans and specifications of the proposed works (including inspection and test plans) 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.

63. The civil works shall be designed by a suitably qualified structural engineer who shall supervise all works and certify on completion that they have been constructed in accordance with their design. The new retaining walls shall be structurally independent of the proposed footpath bridge.
64. The applicant's consulting structural (and/or geotechnical) engineer shall inspect and monitor the condition of the retaining wall throughout all excavation and construction works to ensure that the wall does not suffer any damage.
65. All works on the Arden Street site frontage shall be undertaken by a Council approved contractor. The contractor engaged to undertake the works must hold full public liability in relation to any claims sustained as a result of the works.

The contractor must keep a policy of public risk insurance with respect to the works on Council property. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or working within the Arden Street road reserve in the area adjacent to the subject works.
- b. The policy must name the Council as the owner and the contractors undertaking the work as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.
- c. The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be submitted to Council prior to the commencement of work on Council property.

66. Prior to erecting any scaffolding/formwork within Council's road reserve, the applicant shall obtain a hoarding permit. The applicant is advised to contact Council's Building Certification Unit (9399 0944) regarding this matter.
67. Safe pedestrian access shall be maintained along Arden Street at all times.
68. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Transport Management Group a detailed 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;
 - How traffic flows (including all STA bus operations) on Arden Street will be managed during demolition of the old retaining wall and construction of the new wall; and
 - How pedestrian traffic in Arden Street will be managed during construction.

Note: Generic traffic control plans for lane occupancies or roads closures will not be accepted. Separate application will need to be made for approval of any traffic control plans.

69. Prior to an occupation certificate being issued for the development, a positive covenant under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for:-
 - i) The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the pedestrian footbridge (including supporting elements) located over the vehicular entrance to the site in Arden Street and the portion of the new retaining wall immediately adjacent to the new crossing;
 - ii) The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims sustained as a result of the pedestrian footbridge (including supporting elements) and the portion of the retaining wall immediately adjacent to the crossing;
 - iii) The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the pedestrian footbridge (including supporting elements) and the portion of the retaining wall immediately adjacent to the new crossing. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using the pedestrian footbridge or the area beneath the footbridge.
- b. The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.
- c. The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the

registered proprietors of the Lot(s) burdened to the Council.

- iv) The registered proprietors of the Lot(s) burdened to ensure that no new structures are erected, nor goods stored, nor any work carried out in, on or over the public footway other than those approved by Council.
- v) The positive covenant not be released, varied or modified without the consent of the Council.

The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the 88E instrument shall be met by the applicant.

- 70. Prior to the issuing of an occupation certificate, the applicant shall submit to Council a bond or unconditional bank guarantee for \$60,000 as a security deposit to ensure the stability and structural integrity of the retaining wall in the vicinity of the subject development site for a period of 12 months from the date of issue of an occupation certificate.
- 71. A Works Zone is to be provided in Arden 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.
- 72. The garage door shall be set back a minimum of 5 metres from the Arden Street property boundary to ensure that vehicles queue within the site.
- 73. The access driveway ramps and internal carpark layout shall comply with the requirements of AS 2890.1 (2004). The plans submitted for the Construction Certificate shall demonstrate compliance with this requirement. Note: the carpark layout must be compliant with the relevant provisions of AS 2890.1-2004 following the inclusion of structural columns.
- 74. A Right of Way over 155-157 Arden Street in favour of Units 1 to 5 inclusive of SP 77817, (159 Arden Street, Coogee), shall be created prior to the issuing of an Occupation Certificate. All costs associated with the survey and registration of the Right of Way are to be met by the owner of the subject site at 155-157 Arden Street, Coogee.

The terms of the right of way shall include the following:

- The right of way shall not become operational until such time as approved carspaces have been constructed within 159 Arden Street, such carspaces being attached to Units 1 to 5 inclusive of SP 77817.
- The name of the person empowered to release, vary or modify the terms of the Right of Way – Randwick City Council.

Alignment Level Conditions

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

- 75. The design alignment (concrete/paved/tiled level) at the property boundary shall be obtained from Council's Development Engineer Coordinator following compliance with Deferred Commencement Conditions. The applicant is advised that Council's preference is for the applicant to match the existing concrete

footpath along the upper level of Arden Street and for the northern driveway opening to be approximately RL 26.60 m AHD and for the southern driveway opening to be RL 26.15m AHD. The applicant must contact Council's Development Engineer Coordinator to discuss the above indicative levels prior to lodgement of any information relating to Deferred Commencement Conditions.

76. The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.
77. The above alignment levels and the site inspection by Council's Development Engineer will be issued at a prescribed fee of \$880 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

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

78. 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.
79. 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 to facilitate the proposed development and associated civil works. The applicant must make the necessary arrangements with the service authority.

Note: The applicant shall liaise directly with Sydney Water in regard to building over the existing sewer line.

80. 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.
81. 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.
82. The applicant shall meet the full cost for the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issue of an occupation certificate for the development.
83. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13

20 92.

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

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

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

Drainage Conditions

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

84. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design

alignment levels.

- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

85. 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.
86. As the subject development site falls away from Arden Street, all site stormwater must be discharged either:
1. To council's street drainage system in Beach Street by gravity via a private drainage easement through an adjoining private property (or properties);
OR
 2. To an infiltration system designed in accordance with Council's requirements (subject to a satisfactory Geotechnical Engineers report).

Should the applicant demonstrate that all reasonable attempts to procure a private drainage easement/s have failed, and the ground conditions preclude the use of infiltration, a pump system may be permitted. The pump system must be designed with a minimum of two pumps being installed, connected in parallel 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.

87. The rate of discharge from the site to Council's kerb and gutter must not exceed 25 litres/second during the 1 in 20 year storm event.
88. 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.
89. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
90. A sediment/silt arrester pit must be provided:-
1. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system;
and
 2. 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.

91. One covered car washing bay shall be provided for this development.
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction 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 a visitor parking space provided it is 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.
92. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
1. Finished site contours at 0.2 metre intervals;
 2. The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 3. Details of any infiltration/absorption systems; and
 4. Details of any pumping systems installed (including wet well volumes).
93. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
94. Should significant flows of seepage water be encountered within the depth of

the basement excavation, the basement carpark is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, 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 ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water / seepage water through the development site).

Waste Management Conditions

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

95. The waste storage area shall be sized to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins.
96. The waste storage area shall be fully enclosed and made separate to the proposed general storage area. The Construction Certificate application shall demonstrate compliance with this requirement.
97. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water. The waste storage area shall be clearly signposted.
98. The door to the storage area and garbage room within the basement carpark immediately to the north of the vehicular entrance shall be moved approximately 0.5 metres north so that it is clear of the driveway ramp. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
99. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

Landscape Conditions

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

100. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by Knox & Partners Landscape Architects, drawing number L01, job number 0728, revision A, subject to the following additional details being shown on an amended plan, which is to be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate (with a

copy of the approved plan to be forwarded to Council if not the PCA, prior to the commencement of site works):

1. The planting plan shall nominate the location of all planting within the site, as currently only the proposed trees and palms have been indicated.
 2. The landscape plan shall be amended to substitute two (2) proposed Bangalow Palms on the northern boundary with one (1) additional Blueberry Ash and one (1) additional Coastal Banksia to provide in total two (2) Blueberry Ash and two (2) Coastal Banksia on this boundary. These shall be mature species with pot sizes of two hundred (200) litres at planting.
 3. The planting schedule shall be expanded to include quantities of all proposed planting, spacings or particular maintenance practices such as pruning/hedging where appropriate, and proposed staking methods when applicable.
 4. All proposed trees must be planted a minimum distance of 2.5 metres from any physical part of the proposed building in order to avoid future structural damage, and associated maintenance/nuisance issues.
 5. 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.
 6. 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.
 7. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not over slab.
 8. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas (including planters on the upper terraces). The applicant will be required to demonstrate that the system will be connected to the site's rainwater tanks, with back-up connection to the mains supply, to all current Sydney Water requirements.
 9. Any 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.
101. Documentary evidence, from a Landscape Architect (member of AILA) or Landscape Designer/Manager (Member of AILDLM), confirming that the landscaping has been installed in accordance with the approved documentation shall be submitted to the satisfaction of the PCA (with a copy forwarded to Council if not the PCA), prior to the issuing of a final occupation certificate.
102. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

103. Approval is granted for the applicant to remove and dispose of (at their own cost), the existing *Banksia serrata* (Saw Toothed Banksia) located within Council's Arden Street footpath, towards the southern boundary of 157 Arden Street, during excavations associated with construction of the new vehicle crossing, with the applicant required to satisfy themselves as to the location of all site services prior to the commencement of any such works on public property.
104. The applicant shall submit a total payment of \$500.00 (including GST) to Council, being to:
- a. Reimburse Council for the costs of originally growing, planting and maintaining this tree, which is only being removed to accommodate the development of private property; as well as to compensate Council, the community and environment for the resulting loss of amenity caused, given there is insufficient space to accommodate a replacement.

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

105. Approval is granted for removal of the following vegetation from the site, subject to full implementation of the approved landscape plan:
1. One *Eucalyptus ficifolia* (Flowering Gum) in the front yard of 155 Arden Street, near the southwest corner of the existing dwelling due to poor form and to accommodate the proposed works as shown,
 2. Two *Eucalyptus robusta* (Swamp Mahogany's) in the rear yard of 155 Arden Street, near the northeast corner of the existing dwelling, due to poor form and their inappropriate location close to the existing dwelling,
 3. Two *Howea fosteriana* (Kentia Palms) along the eastern edge of the existing dwelling at 155 Arden Street, to accommodate the proposed works as shown,
 4. One *Howea fosteriana* (Kentia Palm), one *Washington robusta* (Washington Palm) and another *Archontophoenix cunninghamiana* (Bangalow Palm) in the rear yard of 155 Arden Street, about halfway along the northern boundary, in order to accommodate the proposed works and associated replacement screen planting in this area as has been shown,
 5. The dead *Metrosideros excelsa* (NZ Xmas Tree) and *Phoenix canariensis* (Canary Island Date Palm) in the rear yard of 155 Arden Street, about halfway along the southern boundary,
 6. One *Archontophoenix cunninghamiana* (Bangalow Palm) in the rear yard of 155 Arden Street, along the northern boundary, towards the northeast corner of the site, so as to accommodate the proposed works and advanced replacements in this area of the site,
 7. One *Eucalyptus robusta* (Swamp Mahogany), one *Howea fosteriana* (Kentia Palm) and one *Archontophoenix cunninghamiana* (Bangalow Palm) in the rear yard of 157 Arden Street, along the eastern edge of the existing dwelling to accommodate the proposed works in the location shown,

8. One *Archontophoenix cunninghamiana* (Bangalow Palm), and one *Eucalyptus robusta* (Swamp Mahogany) in the rear yard of 157 Arden Street, along the southern boundary due to poor form and to accommodate the proposed works and associated replacement planting as shown,
 9. One *Eucalyptus robusta* (Swamp Mahogany) in the rear yard of 157 Arden Street, near the southeast corner, due to poor form and habit,
 10. Any *Syagrus romanzoffianum* (Cocos Palms) or *Schefflera actinophylla* (Umbrella Trees) throughout the site, as they are exempt from Council's Tree Preservation Order.
106. Prior to the physical commencement of any site works, the PCA will be required to ensure that an Arborist who holds a minimum of AQF Level 5 in Arboriculture, and is also a registered member of a nationally recognized organization/association, has been engaged for the purposes of performing and/or supervising any works at this site which relate either directly or indirectly, to the protection of those trees nominated for preservation in this consent.

The 'site Arborist' is required to be present on site during those components of the proposed works which have the potential to impact the subject trees, with all site staff to adhere to the recommendations of the site Arborist.

107. Upon physical completion of all site works, the applicant's Arborist will be required to forward written confirmation confirming compliance with the conditions of consent and any on site instructions relating to the preservation of trees at this site. This certification shall be to the satisfaction of the certifying authority (with a copy to be forwarded to Council if Council is not the certifier), prior to the issue of a final occupation certificate.
108. Permission is granted for the minimal and selective pruning of only those lower growing branches from the western aspects of the *Araucaria heterophylla* (Norfolk Island Pine) located in the rear yard of 155 Arden Street, in the northeast corner, as well as the *Eucalyptus robusta* (Swamp Mahogany) and *Lagunaria patersonii* (Norfolk Island Hibiscus), near the northeast corner of 157 Arden Street, along the eastern boundary which need to be pruned in order to accommodate the proposed works, or avoid damage/conflict from site machinery during the course of the proposed works.
109. **Prior to the commencement of any pruning**, the site Arborist shall contact Council's Landscape Development Officer on 9399-0613 (giving at least two working days notice) to arrange a joint site inspection for the purposes of confirming the extent of pruning allowable.
110. The site Arborist shall subsequently comply with Council instructions, with all pruning only to be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Tree Protection Measures

111. In order to ensure the retention of the *Araucaria heterophylla* (Norfolk Island Pine) in the rear yard of 155 Arden Street, in the northeast corner, as well as the *Eucalyptus robusta* (Swamp Mahogany) and *Lagunaria patersonii* (Norfolk Island Hibiscus) located in the rear yard of 157 Arden Street, along the eastern boundary in good health, the following measures are to be undertaken:
- a. All detailed architectural, building, demolition, engineering (structural,

- stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of these specimens with the position of their trunks and full diameter of their canopies clearly shown on all drawings.
- b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall also show no alteration in the existing soil levels beneath the extent of their canopies/driplines, i.e.; a radius of 5 metres from the outside edge of their trunks, with spot levels confirming such to be provided.
 - c. Any services, detention tanks, stormwater infiltration systems, pipes, pits etc need to be located a minimum distance of 3.5 metres from the outside edge of their trunks, with the stormwater line and pit proposed in the northwest corner of the site on the hydraulic services plan to be relocated accordingly.
 - d. Any common boundary fencing beneath the extent of their canopies/driplines shall be of a type which does not require a continuous strip footing, with details of the fencing type in these locations to be provided.
 - e. In order to minimise bulk excavation and the subsequent interference to the soil profile and root systems, the length of the eastern edge of the proposed basement level shall be constructed using sheet piling, contiguous bored piers or a similar approved method.
 - f. Any roots encountered while carrying out the works in accordance with these conditions shall be cut cleanly by hand by the site Arborist, and the affected area backfilled with clean site soil as soon as practically possible.
 - g. Up until such time as the landscape works are being undertaken around these trees, they are to be physically protected as one group by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 1.0 metre off the eastern edge of the basement level, 2.5 metres off the southern side of the trunk of the Norfolk Island Hibiscus, matching up with the northern and eastern boundaries respectively, to completely enclose these trees as one group for the duration of the works.
 - h. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - i. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - j. Woodchip mulch to a minimum depth of 75mm shall be provided and maintained within the zone described in point 'g' above, for the duration of the works.
112. Development Consent No. 611/2006 must be surrendered prior to a construction certificate being issued for the proposed development.

ADVISORY MATTERS:

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

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

- | | | | |
|----|----------------|---|--|
| a) | Part B1 | - | Structural provisions |
| b) | Part C1 | - | Fire resistance and stability |
| c) | Part C2 | - | Compartmentation and separation |
| d) | Part C3 | - | Protection of openings |
| e) | Clause D1.2(c) | - | Number of exits required |
| f) | Part E1 | - | Fire fighting equipment |
| g) | Part E2 | - | Smoke Hazard Management |
| h) | Part E3 | - | Lift Installations |
| i) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| j) | Part F1 | - | Damp and weatherproofing |
| k) | Part F2 | - | Sanitary and other facilities |
| l) | Part F4 | - | Light and ventilation |
| m) | Part F5 | - | Sound Transmission and Insulation |
| n) | Section J | - | Energy efficiency |

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

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

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

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

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

MOTION: (Matson/Smith): that Council refuse development consent for this application for the reasons detailed in the Director City Planning's Report CP28/09 submitted to the 22nd July, 2009 ordinary Council meeting. **LOST.**

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

FOR

AGAINST

Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Matthews
Councillor Matson	Councillor Nash
Councillor Smith	Councillor Procopiadis
Councillor Woodsmith	Councillor Seng
	Councillor Stevenson
	Councillor Tracey
	Councillor White

Total (5)**Total (8)****MOTION: (White/Matthews) 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 Belleli
Councillor Matthews	Councillor Hughes
Councillor Nash	Councillor Matson
Councillor Procopiadis	Councillor Smith
Councillor Seng	Councillor Woodsmith
Councillor Stevenson	
Councillor Tracey	
Councillor White	

Total (8)**Total (5)**

AMENDMENT: (Hughes/Matson): that this application be deferred to allow the applicant to consider the reduction in the floor area of Unit 8 to address the concerns of the objectors. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Matthews
Councillor Matson	Councillor Nash
Councillor Smith	Councillor Procopiadis
Councillor Woodsmith	Councillor Seng
	Councillor Stevenson
	Councillor Tracey
	Councillor White

Total (5)**Total (8)**

CP41/09 Director City Planning Report - Reporting Variations to Development Standard under State Environment Policy No. 1 (SEPP1) from 1 April 2009 to 30 June 2009 (F2004/06768)

207/09

RESOLUTION: (Andrews/Matson) that the report be received and noted.**MOTION: (Andrews/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

CP42/09 Director City Planning Report - Presentation to August Environment Committee (F2004/08350)

208/09

RESOLUTION: (Andrews/Matson) that the Council agrees to the brief presentation

of Eco Heroes Club members at the August Environment Committee meeting.

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

**CP43/09 Director City Planning Report - Following up the Conclusion of
Randwick's Sustainable Home Makeover Energy and Water Saving
Rebates for Residents (F2008/00578)**

Note: Councillor White left the chamber during the discussion and voting on this matter.

209/09

RESOLUTION: (Matson/Andrews) that this matter be deferred to the October ordinary Council meeting to allow for a Councillor briefing session and consideration of a further report from the General Manager on this matter.

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

General Manager's Reports

**GM31/09 General Manager's Report - Annual Financial Reports 2008-09
(Unaudited) (F2008/00651)**

210/09

RESOLUTION: (Nash/Smith) that:

- a) the Annual Financial Reports for the year ended 30 June 2009 be adopted.
- b) in relation to the statements required in accordance with Section 413(2)(c) of the Local Government Act 1993:
 - i) Council resolve that in its opinion the general purpose financial reports and the special purpose financial reports for the year ended 30 June 2009 and special schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under.
 - ii) The statements be approved and signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
- c) the financial reports be referred to Council's Auditors for audit.
- d) Council adopt the date of receipt of the Auditor's Report as the appropriate "authorised for issue" date relating to the Annual Financial Reports.
- e) arrangements be made to place copies of the audited financial reports on public exhibition and the necessary advertisements be published.
- f) a copy of the audited financial reports be forwarded to the Department of Local Government.
- g) the audited financial reports be presented at a meeting of Council to be held on 22 September 2009 in accordance with Section 418 of the Local Government Act, 1993.
- h) a report on the 2008-09 year end financial position be placed before the next meeting of the Planning Committee on 11 August 2009.
- i) Council elect not to recognise as an asset land under roads acquired before 1 July 2008.
- j) Council elect not to recognise land under roads acquired since 30 June 2008

until a reliable method of measurement has been determined.

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

**GM32/09 General Manager's Report - Affixing of the Council Seal
(f2004/07593)**

211/09

RESOLUTION: (Smith/Hughes)

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 2/20 Silver Street, Randwick.
2. Caltex Australia Petroleum Pty Ltd in relation to a pipeline agreement at Beauchamp Rd, Matraville.
3. Ruswandi Ruswandi (T/As Zeebra Café) in relation to a licence for the purpose of outdoor dining at 41 McKeon Street, Maroubra.
4. Andrew BT An (T/As Athens Continental Cake) in relation to a licence for the purpose of outdoor dining at 924 Anzac Parade, Maroubra.
5. Maroubra Diggers Swimming Club Inc in relation to a licence for use of the Club Room at Des Renford Aquatic Centre, Robey Street, Maroubra.
6. Maroubra Diggers Winter Winkies Swimming Club Inc in relation to a licence for use of the Club Room at Des Renford Aquatic Centre, Robey Street, Maroubra.
7. Mem Tamer (T/As Coogee Fish Pot Café) in relation to a licence for the purpose of outdoor dining at 3/190 Arden Street, Coogee.
8. Stan Thrasyvoulou (T/As Andrews Lawnmowers) in relation to a licence for the purpose of display of goods at 390 Malabar Road, Maroubra.
9. Tawer Ishawa (T/As Beach View Café) in relation to a licence for the purpose of outdoor dining at 53 McKeon Street, Maroubra.

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

AMENDMENT: (Stevenson/Nil): that the agreement between Council and Andrews Lawnmowers be deferred to the next Council meeting to enable a draft proposal to be discussed between the parties whereby Council would waive its fees in exchange for the lessee to arrange lawnmowing of the nearby naturestrips in Malabar Road by youth in the area. **LAPSED FOR WANT OF A SECONDER.**

**GM33/09 General Manager's Report - Australian Mayoral Aviation Council -
Annual Conference (F2004/07399)**

Note: A rescission motion on this matter was submitted in accordance with Council's Code of Meeting Practice and will be considered at the August ordinary Council meeting.

212/09

RESOLUTION: (Hughes/Matson) that the Mayor and General Manager attend the 27th Annual Conference of the Australian Mayoral Aviation Council at the Sunshine Coast from 2-4 September 2009, with a report on the conference to come back to Council for consideration.

MOTION: (Andrews/Matthews): that all interested Councillors and the General Manager attend the 27th Annual Conference of the Australian Mayoral Aviation Council at the Sunshine Coast from 2-4 September 2009.

**AMENDMENT: (Hughes/Matson) CARRIED AND BECAME THE MOTION.
MOTION CARRIED - SEE RESOLUTION.**

Director City Services Reports

CS17/09 Director City Services Report - Supporting Reappointment of Mr Peter Gray, as SES Controller Randwick (F2007/00395)

213/09 **RESOLUTION: (Matson/Hughes)** that the reappointment of Mr Peter Gray as the SES Controller at Randwick be supported by Council.

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

CS18/09 Director City Services Report - Summer Touch Proposal 2009 (F2009/08302)

214/09 **RESOLUTION: (Stevenson/White)** that the applicant be advised that Council supports the use of Maroubra Beach and Arthur Byrne Reserve for this event on the condition that it is held and promoted as an alcohol-free event in an alcohol-free area with security provided at the organiser's expense.

MOTION: (Smith/Matson) that the applicant be advised that Council does not support the use of Maroubra Beach and Arthur Byrne Reserve for this event due to the amount of activities proposed for the Maroubra Beach area.

AMENDMENT: (Stevenson/White) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

Director Governance & Financial Services Reports

GF27/09 Director Governance & Financial Services Report - Review of Code of Conduct (F2004/06569)

215/09 **RESOLUTION: (Andrews/Smith)** that the amended Code of Conduct and Conflict of Interest Guidelines be adopted.

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

GF28/09 Director Governance & Financial Services Report - Investment Report - June 2009 (F2004/06527)

216/09 **RESOLUTION: (Nash/Smith)** that the investment report for June 2009 be received and noted.

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

GF29/09 Director Governance & Financial Services Report - Adoption of Records Management Policy (F2004/06688)

217/09 **RESOLUTION: (Nash/Matthews)** that the Records Management Policy be adopted.

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

GF30/09 Director Governance & Financial Services Report - Regular Hall Hirers - Provision of Public Liability Insurance (F2004/08261)

218/09 **RESOLUTION: (Belleli/Tracey)** that, in order to allow these groups to continue to provide their regular community service, Council agrees to take out a Public Liability Insurance Policy in the name of the City of Randwick for and on behalf of : The Clovelly Precinct, Coogee Seniors Group, Coogee Precinct Committee, Malabar Pensioners Group, Malabar Precinct Committee, Maroubra Seniors Group and Coogee Patchworks.

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

**GF31/09 Director Governance & Financial Services Report - Proposed
Licence to Eastern Suburbs Tennis Association (F2004/07367)**

219/09 **RESOLUTION: (Matthews/Nash)** that Council consents to the licence of the Heffron Park Indoor Sports & Tennis Centre to Eastern Suburbs Tennis Association for a period of three (3) years commencing in 2009 and expiring in 2012 and that Council's seal be affixed to the signing of the licence agreements.

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

Petitions**P6/09 Cr Woodsmith - Petition from Local Residents Objecting to
Footpath Construction on Gordon Avenue, Coogee (F2004/07866)**

220/09 **RESOLUTION: (Nash/Matson)** that the petition tabled be received and noted.

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

**P7/09 Cr Woodsmith - Petition from Local Residents Requesting that the
Steps in Severn Street, Maroubra be Upgraded. (F2004/06287)**

221/09 **RESOLUTION: (Nash/Matson)** that the petition tabled be received and noted.

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

Motion Pursuant to Notice**NM45/09 Motion Pursuant to Notice - Motion Pursuant to Notice from
Councillor Smith - Painting of Safety Rails on Surfside Avenue
(F2004/08257)**

222/09 **RESOLUTION: (Smith/Belleli)** that Council repaint the safety rails running along the north side of Surfside Avenue, Clovelly between Keith and Park Streets.

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

**NM46/09 Motion Pursuant to Notice - Motion Pursuant to Notice from
Councillor Smith - Gordon's Bay Lighting (F2006/00211)**

223/09 **RESOLUTION: (Smith/Belleli)** that Council:

- a) carry out an assessment on the adequacy of the current lighting of the Coastal Walkway around Gordon's Bay;
- b) identify any opportunities to enhance the public's feeling of safety through the use of lighting techniques; and
- c) explore opportunities for the undergrounding of the overhead wires along this section of the Coastal Walkway.

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

**NM47/09 Motion Pursuant to Notice - Motion Pursuant to Notice from
Councillor Smith - Recycling of Mattresses and Ensembles
(F2004/08158)**

224/09 **RESOLUTION: (Smith/Belleli)** that Council investigate options for the recycling of disused mattresses and ensembles within Randwick City in an attempt to keep these items out of landfill.

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

**NM48/09 Motion Pursuant to Notice - Motion Pursuant to Notice from
Councillor Smith - Coastal Walkway Website (f2004/06779)**

225/09 **RESOLUTION: (Smith/Belleli)** that Council approach Waverley and Woollahra Councils with a proposal to set up a dedicated website for the Coastal Walkway. Such a website would include, but not be limited to, sections dedicated to:

- a) Route maps for walking and cycling;
- b) Locations of exercise stations;
- c) Information on sections with difficult accessibility for the disabled;
- d) Significant historical and natural landmarks;
- e) Off-leash parks;
- f) Food and beverage outlets (commercial fees charged);
- g) Surf Clubs, Swimming Clubs and other physical exercise oriented clubs based along the walkway (free of charge);
- h) Information on water quality and sustainability initiatives; and
- i) Tourism related information.

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

Confidential Reports (Closed Session)

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

**GF32/09 Confidential - Tender for Land and Environment Court Specialists,
Development Related Mediators and Architectural Visualisation
Services - T03/09 (F2008/00530)**

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.

226/09 **RESOLUTION: (White/Bowen)** that Council:

- a) Accept the tenders submitted by:
 - (i) City Plan Services, Brett Newbold Urban Planning, and SJB Planning for the category of Land and Environment Court Specialists;
 - (ii) Dickson Rothschild Design (NSW), Resolve by Mediation, and SJB Planning for the category of Development Related Mediators; and
 - (iii) Involve Studios Pty Ltd, Digital Line Pty Ltd, and Allen Jack Cottier for the category of Architectural Visualisation 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.
- c) Notifies the unsuccessful tenderers.

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

GF33/09 Confidential - Tender for the Provision of Entertainment and Event

Services - T01/09 (F2008/00517)

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.

227/09

RESOLUTION: (Tracey/Hughes) that Council:

- a) Accept the tenders submitted by: Asset Link, Aztech Events P/L, Blacksheep P/L, Coates P/L, Douglas Site Services P/L, Enhancemententertainment P/L, Fireworks Australia P/L, Funktionality Event Management P/L, Howards and Sons Technics, Madzin Productions P/L, Metro Traffic Management P/L, Moreton Hire, Niche Marketing Group P/L, Norwest Productions P/L, Outthere Productions P/L, Pages Event Equipment P/L, Pan Event Entertainment P/L, Pillingers Hire P/L, Scalawag Productions P/L, and Triumph Leisure Solutions P/L for their nominated categories under Entertainment and Event Services;
- b) Authorises the General Manager to sign and affix Councils Common Seal on the contract documents on behalf of Council for a two year term with an option to extend for two further terms of twelve months each; and
- c) Notifies the unsuccessful tenderers.

MOTION: (Tracey/Hughes) CARRIED UNANIMOUSLY - SEE RESOLUTION.**GF34/09 Confidential - Councils Online (COL) Progress Report (F2005/00740)**

This matter is considered to be confidential under Section 10A(2) (f) Of the Local Government Act, as it deals with matters affecting the security of the Council, Councillors, Council staff or Council property.

228/09

RESOLUTION: (Matson/Bowen) that Council:

- a) terminates the existing contract with CapGemini and issues an Expression of Interest for the replacement of Council's corporate systems with the view of going out to a selective tender for a replacement corporate system. To this end it is recommended that Randwick City Council issues formal notification of the intention to terminate the contract in November 2010;
- b) withdraw from the syndicate created by Syndicate Agreement No. 2, such withdrawal to be given effect by a notice in writing to each syndicate member. The resolution should give Council the authority to negotiate and execute a deed of release and settlement between Randwick City Council and each syndicate member; and
- c) terminate the COL contract by notice in writing to CGEY. The resolution should give Council the authority to negotiate and execute a deed of release and settlement between Randwick City Council and each syndicate member.

MOTION: (Matson/Bowen) CARRIED UNANIMOUSLY - SEE RESOLUTION.**Open Session****RESOLVED: (Matson/Bowen)** that the meeting move back into open session.**Notices of Rescission Motions****NR4/09 Notice of Rescission Motion from Councillors Hughes, Matson and Woodsmith - Conference Attendance by Councillors (F2005/00646)**

MOTION: (Hughes/Matson) that the motion considered at the Ordinary Council meeting held on Tuesday 28 July 2009 reading as follows:-

“that a report be brought back to Council on the limitation of Councillors’ attendance at conferences generally to one conference per Councillor per annum”, be and is hereby rescinded. **LOST.**

Note: A rescission motion was submitted in relation to Item GM33/09 – Australian Mayoral Aviation Council Annual Conference and will be considered at the ordinary Council meeting to be held on 25 August 2009.

There being no further business, the Deputy Mayor, Cr M Woodsmith, declared the meeting closed at 8.56 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 25 August 2009.

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CHAIRPERSON